

COMMISSION OF THE EUROPEAN COMMUNITIES

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Communication from the Commission
on
IMPLEMENTATION OF THE LEGAL ACTS
REQUIRED TO BUILD THE SINGLE MARKET

**COMMUNICATION ON THE IMPLEMENTATION OF THE
MEASURES REQUIRED TO COMPLETE THE SINGLE MARKET**

I. GENERAL PROGRESS

1. As both the Commission and the European Council have stated¹, the process of completing the single market is now irreversible because of the combined effect of the speeding-up of decision-making, which has shown that the objective is credible, and the preparations being made by businesses.

2. Decision-making by the institutions has speeded up considerably since the entry into force of the Single Act. This is due primarily to the pace of proposals from the Commission, since of the 279 measures in the programme, only 43 proposals have not yet been tabled, including 28 in the plant and animal health sector.

In addition, the extension of qualified majority voting to most issues has generated pressure to find a compromise within the Council. This faster pace has enabled 130 measures to be finally adopted by the Council, which is equivalent, together with the current common positions and the partial adoptions, to approval of over 50% of the 279 measures of the programme.

3. Of the 41 measures adopted on the basis of Article 100a since the entry into force of the Single Act, approximately two thirds successfully completed the common position stage in under 30 months. Sixteen were adopted in under 15 months. The key proposal on the harmonization of technical rules concerning machine safety was adopted within 12 months, whereas it had taken 70 months to adopt the first Directive on lawnmower noise. The most notable progress has been made on the free movement of capital, which took less than a year, and the mutual recognition of diplomas: after 18 years to secure the right of establishment for architects, it took less than 3 years to agree on the mutual recognition of all equivalent university diplomas.

By contrast, no decision of note has been adopted in the fields requiring Council unanimity, such as taxation of consumption and savings or the free movement of persons.

¹ Fourth progress report of the Commission to the Council and the European Parliament concerning the implementation of the Commission's White Paper on the completion of the internal market, COM(89)311 of 20 June 1989.

4. This speeding up of decision-making is also and above all the result of the honouring of commitments and of a balanced approach. Honouring of the commitment to the Community's economic cohesion has made it possible to limit the amount of derogations in the internal market legislation. The Commission's balanced approach combines mutual recognition and harmonization in such a way as to avoid excessive regulation whilst at the same time assuring at Community level a greater protection of public interest.

5. Finally, Parliament has played its part in the cooperation procedure with great efficiency; the current delay in adopting the common position on television is the responsibility of the Council, Parliament having done all in its power to enable a decision to be taken before the European elections.

6. All business surveys show that the 1992 message has been received, albeit occasionally with disquiet. Businesses are preparing for the event and already integrating the European dimension in their strategy. This is a major factor, together with the general picking up of the world economy, in the revival in investments in the Community, which has now become a more attractive target for foreign investors. As the Commission notes in its report on the economic outlook for 1989 and 1990, this growth is generating more jobs now than ever before, bringing unemployment down to 1983 levels.

7. The dynamism of the Community economy is also reflected in a major expansion of intra-Community trade, as the national economies grow closer together.

8. However, these general observations should not obscure the difficulties. Despite the rapid progress on eliminating technical barriers, the main decisions have yet to be taken to abolish the formalities at the frontiers. Given the time it will take to implement such decisions and to convert the inspection infrastructures, particularly at airports, decisions must be taken soon to make the process irreversible in this area too.

9. The process has been set in train in the form of discussions on the free movement of persons and the approximation of indirect taxes, based on the pragmatic approach set out in the Commission's most recent communication (COM(89)260 of 17 May 1989), but so far a specific measure confirming the political will to eliminate frontier checks is still lacking. However, the Council could give two important signals in 1989, by adopting two Commission proposals: one providing for a substantial increase in the tax allowances applicable in intra-Community trade, and the other on the elimination of checks on means of transport.

10. There is also a need for substantial progress in dismantling veterinary and phytosanitary controls before the end of the year. The Council has redoubled its efforts during the last few months without, however, obtaining satisfactory results. While majority voting could help to speed up the work, the Council's refusal to delegate management powers to the Commission, under a procedure ensuring the effectiveness of these powers and in conformity with the Declaration annexed to the Single Act, results in an almost systematic quest for unanimity which undermines the Commission's proposals. This is having the effect of slowing down the work and diluting the substance of the directives.

11. Two issues in the field of eliminating technical barriers have encountered particular problems: cabotage in the transport sector and adoption of the Community trade mark.

12. The European Council in Madrid on 26 and 27 June 1989 expressed the desire for faster progress, notably in the fields relating to elimination of frontier checks. In particular it asked the Council to reach agreement on the "broad lines of a solution" before the end of the year in the approximation of indirect taxation, and approved the work programme of the Coordinators' Group on the measures needed to achieve progress towards the effective freedom of movement of persons within the Community.

13. The European Council deplored the delays in the priority fields it had identified at its previous meetings: intellectual property, veterinary and phytosanitary inspections and transport. It also invited the Council to adopt the Directive on television without frontiers within the time limit laid down in the cooperation procedure, which expires on 6 October 1989.

14. Finally, the European Council considered that inadequate progress had been made on a People's Europe - witness the difficulties in adopting the generalized right of residence which had led the Commission to withdraw its proposal, or the blockage of the modest tax proposals designed to facilitate removals and the use of private cars. The risk of a single abuse of a right was becoming a pretext for limiting the right altogether.

II. IMPLEMENTATION OF DECISIONS TAKEN

15. The Community has until now concentrated on carrying out its programme of legislation to eliminate obstacles to the free movement of goods, persons, services and capital as a precondition for a functioning single market in 1993.

16. However, as the Commission noted in its last report on implementation of the White Paper, it is not enough to adopt the necessary measures. It must also be ensured that the conditions permitting their implementation are created, and in

particular that the measures incorporating the Directives into national law are completed on schedule.

17. This is all the more important as economic operators are seldom directly confronted with Community legislation, but normally have to deal with the national measures incorporating the directives into national law and national administrations. While the principle of subsidiarity ought to be safeguarded, it must not be allowed to reintroduce distortions of competition that Community legislation was designed to eliminate.

18. Monitoring of implementation is not a new problem for the Commission, although the scale is unprecedented; for some years, the Commission has prepared for Parliament a report reviewing essentially the position regarding infringement proceedings against Member States in all areas of Community law; the Commission also produces an annual report on competition policy. The latest versions of these two reports have just been published.^{2,3} The purpose of this communication is to assess the difficulties identified and suggest possible remedies.

19. There are four levels of implementation of Community law:

- compliance with the obligations of the Treaty guaranteeing the functioning of the single market;
- incorporation of directives in national legislation;
- application of the measures adopted;
- strengthening of the effectiveness of the right of recourse.

III. APPLICATION OF THE TREATY

20. The following are the provisions of the Treaty pertinent to the freedom of movement of goods, capital, services and persons:

- Article 7: the principle of non-discrimination is fundamental to the Treaty. While it has been progressively developed to guarantee free movement of goods, it has not, until recently, been applied with equal vigour to the freedom of movement of individuals. The basing of the proposal for a Directive on the right of residence for students (COM(89)275) and, in particular, of the Court's ruling in case 186/87 (Cowan) on this provision reflects the desire to apply the non-discrimination principle much more effectively in a field crucial to a People's Europe.

2 Sixth annual report to the European Parliament on Commission monitoring of the application of Community law, COM(89)411

3 Eighteenth report on competition policy, SEC(89)873 of 14 July 1989.

Article 30: experience over the last few years has shown that application of Article 30, as interpreted by the Court, and the principle of mutual recognition which emerges, constitute an effective instrument for completion of the internal market. In this context, the role of Directive 83/189 which envisages that draft technical regulations be notified has a crucial role in preventing the creation of new technical obstacles; 766 national draft regulations were notified between April 1984 and June 1989. The steady annual increase in the number of notifications is a reliable pointer to Member States' interests.

However, two comments are called for. First, the number of reasoned opinions delivered annually by the Commission in respect of potential barriers is not declining, after levelling off at about 25% of notifications. This shows that the principles underlying Article 30 of the Treaty and Community case law are not yet being systematically applied by the national administrations.

Secondly, compliance with the obligatory notification procedure differs from one Member State to another (see table in annex IV), although there are signs of improvement in 1989 and the absolute figures should be considered against the background of the respective economic situations and the legislative practices or administrative traditions.

In order to safeguard the effectiveness of the instrument and to confront Member States with the consequences of their omissions, the Commission published a communication in the Official Journal in October 1988 on the non-enforceability of the technical standards adopted in breach of Directive 83/189/EEC. It has recently extended this device by publishing the list of notifications made at regular intervals in the Official Journal for the benefit of economic operators.

The Commission has opted for a course of dialogue and concertation at its "package" meetings with Member States, and practically all cases under examination are settled quickly and amicably (only five out of more than 1 000 dossiers were referred to the Court in 1988).

This approach enables greater account to be taken of essential requirements such as protection of the environment and consumers, values enjoying a high level of protection pursuant to Article 100a(3).

- Articles 48 and 52 guarantee equal treatment with nationals to all citizens of a Member State in the exercise of a professional activity, whether salaried or non-salaried. The Commission has taken two main initiatives :
 - the Commission issued a communication on 18 March 1988 setting out its position regarding the interpretation of the exception in Art. 48, para. 4, concerning employment in the public sector. This communication identifies four sectors which merit priority attention (commercial services, teaching, health and civil research).
 - the Commission has also put forward proposals amending Regulation EEC/1612/68 and Directive 68/360/EEC. With regard to the problems arising from the non-recognition of certain professional qualifications, the Commission is working on a programme to ensure the comparability of professional qualifications, on the basis of the Council's decision of 16 July 1985.
- Article 59: there are currently very few instances of infringement and the services sector is booming. The cross-frontier provision of new services is generally developing without hindrance, as they are provided by occupations that are not regulated in the Member States. Traditional services in major sectors such as insurance, transport, radio and television, telecommunications and public works contracts are benefiting from broadly based Community measures combining prohibition, recognition and harmonization of national provisions that give rise to barriers. This leaves a wide variety of services that may occasionally be provided in a Member State by an operator from another Member State (e.g. small craft businesses); where they are regulated in the host country, they frequently entail problems for the parties concerned out of all proportion to the potential benefits of occasional provision of services. This could be remedied by developing a similar interpretation for Article 59 to that given to Article 30 by the "Cassis de Dijon" judgment.
- Article 95: the prohibition of double taxation does not appear to require major legislative changes in the Member States, but rather changes in the way the administrations treat the individual dossiers they are called on to process.

21. Provisions relating to competition policy must be added to this list (monitoring of aid and the behaviour of undertakings); however, the problems are not the same as implementation does not generally involve national legislation, except where application of Articles 37 or 90 is concerned.⁴

4 See footnote 3.

IV. INCORPORATION OF THE DIRECTIVES IN NATIONAL LAW

22. Under the White Paper programme, 100 directives, regulations, decisions or recommendations are now in force; directives account for most of these instruments, 68 having become applicable to date.

1. Analysis of the situation

23. Analysis of the situation regarding the incorporation of Community instruments into national law is based solely on the notifications received by the Commission, which are the only means of obtaining a clear picture; it is therefore not impossible that national incorporation measures have been adopted but not communicated to the Commission.

24. In its report of June 1989, the Commission notes that only two Directives have been incorporated in all the Member States. Since then, the overall situation appears to be improving as a result of the information campaign carried out among Member States on the basis of this report, although there are still considerable backlogs in some Member States. Six of the Directives - on the simplification of border formalities and the liberalization of certain types of capital movements - have been incorporated in the legislation of all the Member States when account is taken of the derogations applying in some cases.

25. This problem of national incorporation is likely to increase with the entry into force of further Directives and adoption of the proposals now before the Council. The most important and most complex measures are due to enter into force in 1990: capital movements, "New Approach", insurance, commercial agents, etc.

26. The situation varies according to Member State and sector, as the annexed table shows:

- with a few exceptions, such as border formalities and taxation, Spain and Portugal have backlogs, in some cases substantial, in all the other sectors. This can be explained by the transition period in which these two countries find themselves, involving an adjustment effort on their part that the Commission must take into account, in processing the infringement dossiers. By contrast, the smaller but equally worrying backlog on the part of Greece, Italy, Belgium and Ireland cannot be explained so easily; these backlogs are not evenly spread, but concern technical harmonization in particular.

- the various sectors are not affected to the same degree. In spite of the number of measures in force, the animal and plant health sector appears to generate the fewest incorporation problems. By contrast, there are considerable backlogs in technical harmonization and air transport, the two sectors in which incorporation measures have made least headway. None of the Directives on vehicle emissions has been incorporated in Italy or Portugal, and some of them await incorporation in Belgium. All Member States have backlogs in the transport field, including those which are most vocal in the Council on the subject of opening up the transport market.

While the European Council criticized the delays in the Council on a People's Europe, neither Germany, Italy, Ireland or the Netherlands have adopted the pertinent measures on taxation, and more than half the Member States, and particularly Italy, are lagging behind on their obligations regarding the recognition of diplomas.

Finally, only seven Member States have so far incorporated in national law the statute for the European Economic Interest Grouping, which was adopted in July 1985 and entered into force on 1 July 1989. It is also regrettable that key industry policy Directives have not been incorporated, e.g. the Directive on protection of microcircuits in Belgium and Greece and that on public supply contracts in Italy, Denmark and the Netherlands.

- 27. However, these figures give only a limited picture of the problems of incorporation into national law. The sixth report to Parliament on monitoring of the application of Community law provides an overall view.

2. Reasons for the delays

28. The problem of national incorporation is to a certain extent the consequence of the irreversibility of the march towards 1992 due to the speeding-up of decision-making. At the same time, however, it could undermine the credibility of the Community's political will and thus call into question the very irreversibility of the process.

While the mechanisms within Member States have not yet been adjusted to the new pace of decision-making, there are signs of a growing awareness of the phenomenon in several Member States.

- 29. It is important in tackling these problems to analyse and deal with the causes rather than simply resort to infringement proceedings.

30. A number of factors are responsible for the delays:

- The main factor appears to be shortcomings of an organizational nature within the Member States regarding central monitoring of the implementation of Directives. In the absence of a monitoring structure, the departments responsible for incorporation, which are not always those which negotiated the texts, do not feel bound by the deadline until prompted by the Commission.

The Commission departments have therefore taken to sending a reminder to Member States after adoption of the Directive and before the implementation date.

In addition, however, because of the political significance of the 31 December 1992 deadline, the Commission will issue a comprehensive factual communication every six months on incorporation, covering both the Directives in force and the remainder, in order to permit ongoing central monitoring of progress in implementation.

- In some cases, the administrations have problems interpreting the Directives making proper incorporation difficult. The Commission has therefore organized meetings of experts for some particularly difficult dossiers (product liability, European Economic Interest Grouping, company law and mutual recognition of diplomas) with a view to ensuring the greatest possible convergence of national incorporation measures; these meetings also constitute a means of reminding government departments of their commitments. This approach will be systematically applied in the various management groups and committees.

To this end, the notification procedure provided for by Directive 83/189 could, if suitably amended, be used for joint examination of the draft measures for incorporating into national legislation the Directives on technical standards. There is no reason why the mechanism for cooperation between the Commission and Member States introduced by Directive 83/189 for the prior examination of draft national measures - which has provided excellent results so far - should not be equally effective when the measures in question are based on a Community instrument.

- The national legislative procedure is often given as a reason for the delays. However, the constitutional system in most Member States requires very few of the 68 Directives in force to be dealt with by parliament. Member States in which certain legislative procedures or scrutiny by parliament are stipulated have now organized a system of prior information to national parliaments which facilitates subsequent adoption of the laws incorporating Community legislation. A particularly noteworthy example

is the system established by Italy reconciling constitutional constraints, parliamentary control and efficient incorporation of Community law in national legislation.

However, the forthcoming Directives will increasingly involve issues which do require legislation; this applies in particular to recognition of diplomas, the "New Approach", financial services and taxation. It is therefore necessary to prepare for further problems, at least in those Member States which have not adopted specific mechanisms for informing or consulting the national parliaments.

It is worth considering whether the problem could be resolved by adopting measures in the form of regulations. Article 100a of the Single Act permits the use of this instrument for harmonization purposes. This would obviate incorporation problems, although the Court's interpretation of directives already has a similar effect.

However, the Commission has made only limited use of regulations, as the legislation to be amended is often in the form of directives; it is also frequently difficult to avoid incorporation measures (European Economic Interest Grouping), and the Commission should not underestimate the consequences of such a course for the sovereignty of national parliaments.⁵ Moreover, the Council has rejected the use of regulations in the sectors where the Commission considered it possible (veterinary and agri-foodstuffs sectors), customs being the only exception.

- Monitoring of the incorporation of Community law belongs to the sphere of bilateral relations between the Commission and Member States. Nevertheless, the incorporation measures taken in each Member State affect all the Member States and all businesses, particularly where they concern completion of the single market.

Consequently, renewed efforts must be made to make national incorporation measures transparent, in order to ensure that everyone is properly informed and to exert additional pressure on dilatory Member States.

⁵ The Declaration annexed to the Single Act states that the Commission shall give precedence, in its proposals pursuant to Article 100a, (1) to the use of the instrument of a directive if harmonization involves the amendment of legislative provisions in one or more Member States.

This transparency must take two forms:

- (a) Consolidation of instruments: the gradual development of Community legislation has led to a proliferation of Council instruments, supplemented occasionally by Commission amending measures. An example of consolidation is the adoption by the Council of texts containing all the amendments to the basic Directives on public works and public supply contracts; a consolidated text has also been tabled concerning the Seventh VAT Directive; consolidation proposals will shortly be transmitted on cosmetics and tractors, sectors now governed by some 30 different Directives.
- (b) Transparency of the national incorporation measures: the Directives make provision for transparency vis-à-vis the Commission, but not vis-à-vis the Member States or undertakings. As the latter operate in the national environment, it is important that they have the best possible access to information on their environment. Consequently, "sector 7" (SG) of the Celex database - which is open to all the Community institutions and soon to be made accessible to the general public - contains information on the state of application of all the Community Directives. In addition, in the specific area of the internal market, the INFO 92 database, opened in June 1989 and containing all the measures adopted or proposed under the White Paper programme, is to be supplemented at the end of this year by references to all the national incorporation measures.

- It has sometimes been proposed that the timetables for incorporation stipulated in the Directives should be modified; the average period allowed is 18 months. The foregoing analysis shows that observance of these deadlines tends to be thwarted by internal organization problems rather than problems of substance. Even if there may be a problem of substance in certain cases, this would not warrant drawing general conclusions on the suitability or otherwise of the present deadlines.

V. APPLICATION OF THE DIRECTIVES ADOPTED

31. It must be clearly understood that the adoption of directives, regulations and decisions is not in itself sufficient to guarantee that they will be effectively applied. This is particularly true of the customs, veterinary, plant health, agri-food, pharmaceuticals and "New Approach" sectors and the free movement of persons.

32. The problems of application are manifested in different ways: in some cases they concern the adoption of implementing measures at Community level, and in others, the need to modify administrative practices.

33. The legislation in the veterinary, plant health and agri-food sectors necessitates the adoption of a substantial number of management measures. In the field of food additives alone, the Council will have to take several thousand individual decisions; the Council's slow progress in adopting two Directives on colorants and preservatives does little to inspire confidence in its ability to handle this workload. This problem of application could have been avoided if the Council had agreed to delegate powers to the Commission.⁶ The proposals due at the end of the year in the pharmaceuticals field will exacerbate these management problems.

34. Two problems in particular have to be taken into account in the field of technical harmonization based on the "New Approach":

- . application of the Directives implies the establishment in the Member States of certification and testing infrastructures, the competence and professional capacity of which constitute the guarantee of effective protection of health throughout the territory of the Community. It is therefore only natural that each Member State is highly concerned to obtain all the necessary assurances regarding the true competence of the bodies notified by the other Member States. There must therefore be close cooperation between these bodies in the forms best suited to ensure the effective transparency of their facilities and their actions;
- . the effectiveness of the Directives depends to a very large extent on the existence of European standards. Although considerable resources have been mobilized to help the European standardization bodies increase their productivity, the size of the task is such that there is reason to fear that a great deal of standardization work will not have been completed when certain Directives covering a broad range of products enter into force (Directives on "machines", "construction", "electromagnetic compatibility", personal protective equipment, etc.).

35. Certain measures have already been taken to deal with these problems:

- . new working methods within the CEN/GENELEC and the ETSI, such as the "project teams" provided for in the new framework agreement concluded between these bodies and the Commission; action has been taken and results obtained notably in the field of information technologies and telecommunications, in which over 100 mandates have been given to European standardization bodies. A substantial part of this work is nearing completion;
- . a strengthening of the procedures for notifying national standardization activities pursuant to Directive 83/189/EEC;
- . improved transparency of European standardization activities for the benefit of industry and other users of standards.

36. However, in addition to these technical measures, the Commission considers that it is necessary to begin immediately the process of setting up a single European structure embracing all standardization activities, which would be less dependent on the constituent national structures and avoid the dispersed nature of the current structures (there are three independent bodies at present) and the wastage of resources and duplication of effort this involves.

37. In certain sectors the national administrations responsible must be fully acquainted with, understand and apply Community law correctly. This is particularly true of public procurement, monitoring activities as well as those questions concerning the Citizens' Europe. Lack of consistency in practical application can have economic and industrial consequences or consequences for the credibility of the Community in the eyes of the general public.

38. As the rules ensuring the free movement of goods develop, so a common interpretation and application of the customs rules is required; fairness in public procurement requires all purchasing authorities to conform to the rules on transparency. The Commission has adopted a firm attitude in this field, refusing all Community financial support to any public works or procurement projects that infringe these transparency rules.

39. It is to say the least shocking that national bureaucracies all too often continue to regard Community nationals as foreigners and in practice, deprive them of their rights of establishment and of residence through nit-picking interpretation of rules which, while not always necessarily in conflict with the Treaty, open the door to arbitrary practices. All too often the Commission is confronted with cases of refusal to exchange driving licences or to grant access to an occupation for reasons born of unreasonable bureaucracy.

VI. STRENGTHENING OF THE EFFICIENCY OF THE RIGHT OF RECOURSE

40. A fundamental problem is compliance with Court judgments; that the increase in infringement proceedings is reflected not only in a less satisfactory implementation of Community law, but also and more particularly in a growing number of non-enforced judgments, gives real cause for concern. A continuation of this trend may eventually make monitoring ineffective, undermine mutual trust and thus damage the credibility of the institution central to a Community founded on legal principles. It is crucial that the Member States comply with the decisions of the Court of Justice. There can be no justification for non-compliance with these decisions. The usual justifications put forward in such cases cannot be accepted in this instance.

41. The burden of non-implementation of the Court of Justice decisions is particularly felt in the internal market domain. Out of 58 infringement procedures opened by the Commission for non-respect of a judgement of the Court (Art. 171 of the Treaty), 45 directly concern either the application of Treaty provisions ensuring the functioning of the internal market (15), or the application of directives or regulations (30). The alarming situation concerning the non-implementation by certain Member States, especially Greece and Italy, of Court of Justice decisions is shown in Annex 7. The Commission is determined to keep a watchful eye on this situation by the systematic use of Article 171 of the Treaty.

42. The national courts also have a crucial responsibility for ensuring the effective and consistent application of Community law. In the interests both of the ordinary citizen and of the efficiency of the legal system, the Commission should encourage recourse to national courts, as indeed it has in the field of public procurement.

43. However, the success of this approach depends on two conditions:

- Judges and lawyers must be trained in the use of Community law; referrals to the Court of Justice are frequently made at the final instance level, resulting in delays and additional costs for citizens. The questions referred all too often reveal a lack of knowledge of Community law and cause unnecessary procedural delays.

The training deficit must be tackled at university level (in most Member States, Community law is not a compulsory subject on the curriculum of law studies), at the level of in-service training for judges and lawyers and of the awareness of the supreme judicial bodies. Training must also take account of the fact that Community law is no longer a separate discipline, but a new dimension of the constitutional, civil, commercial or penal law of Member States.

- The organization of legal redress can be an obstacle to the use of the national courts and favour direct appeal to the Commission. This is particularly so where the plaintiff has to bear the costs or the level of costs is prohibitive. This is undoubtedly one of the reasons for the imbalance between Member States in referrals for a preliminary ruling to the Court of justice.

44. The Commission cannot itself take the initiative in these fields. Its responsibilities as guardian of the Treaty require it to be highly attentive to the functioning of the national appeals procedures. Consequently, under the Jean Monnet programme launched in June 1989, the Commission intends to promote the creation of European chairs and, more generally, the teaching of subjects such as European law that are important to the 1992 objective.

45. However, it is up to Member States to take the basic measures; the Commission for its part will support the initiative being taken at regional level to develop teaching of Community law at institutes specialized in the training of judges. All of these measures belong to the dossier of protection of individual rights and have a role in creating a true European citizenship.

46. The Commission is aware of the additional problems that compliance with Community law (both incorporation of the Directives and application of the Treaty) creates in Member States with a federal structure. In some States, the proper balance between the various levels of decision-making to ensure that all citizens benefit from clear and effective compliance with Community law has yet to be found.

CONCLUSION

47. The accelerated rate of adoption of legal instruments by the Council masks a worrying lack of progress in transposing these into national law, and in the effective implementation of decisions taken at a Community level. This failure is particularly marked in certain Member States. While each Member State is directly responsible for the effective adoption and application of Community legislation, the Commission, too, has a duty to ensure that this is done. Furthermore, the uniform application of Community legislation is a necessary prerequisite for the effective and equitable operation of the single market, and the operation of competition policy.

48. In general, the implementation of Community law raises questions of a political, administrative and cultural nature, which frequently have a broader dimension than the specific issue of the single market.

49. The current and especially future development of Community law in the light of 1992 should open up a debate on the democratic deficit. All that is being done in the field of capital movements, right of establishment, company law and taxation belongs by definition to the sphere of competence of the national parliaments. However, they are bound by Community law and so their sovereignty is correspondingly limited, without this deficit being adequately compensated at Community level.

50. The Commission can only hope that experience gained in certain Member States in involving Parliament in the Community decision making process will serve as a model for the others.

51. The initiative by the President of the French National Assembly in calling meetings between the leaders of the national parliaments and the President of the European Parliament is a step in the direction of a new form of cooperation to strengthen democratic accountability in the Community. It builds on the initiatives already taken by the European Parliament for regular meetings at committee level.

52. Action must therefore be taken to face the specific problems mentioned in this Communication. Regarding the respect of the obligations of the Treaty, the Commission envisages holding more "paquet" meetings and strengthening the efficiency of directive 83/189.

53. Both the Member States and the Commission have responsibility for the adoption of administrative provisions to improve compliance with timetables for incorporating directives in national legislation.

54. There appears to be a need for a contact person in each Member State within the existing coordination structures with responsibility for monitoring application of the measures adopted under the White Paper programme in view of the 1992 deadline. This contact would facilitate dialogue between the Commission and the Member States and, above all, exert the necessary pressure on the implementing departments.

55. The Commission for its part will take the following steps:

- it will organize regular meetings with each Member State to review progress in national incorporation of all the White Paper measures (including those not yet in force), i.e. of all the directives, as was recently done for Spain and Portugal;
- at meetings of groups and committees, it will hold discussions on the state of implementation of the provisions within their field of competence;
- it will take action to ensure the transparency of national incorporation and consolidation measures.

56. With regard to administrative practice, Member States undoubtedly have primary responsibility through control of staff training policy and the influence of senior management on executive staff. The Commission has to adopt a case-by-case approach where it notes abusive practices. To the Commission's knowledge, only one government has issued a circular to create an awareness of the Community dimension among public sector staff.

57. However, the Community could also help to change behaviour patterns by enabling officials to learn about the administrative practicalities of other Member States; such exchanges could serve as a basis for mutual trust and cooperation. The President of the Commission outlined this approach in his presentation of the Commission programme in February 1989; it has been put into practice in the MATTHAEUS programme for customs officials, which is currently in the pilot stage.

58. The Commission and the Member States are looking for ways of promoting an increase in such exchanges (which already operate between the Commission and some national administrations) within the framework of the European Institute for Public Administration. The Commission is also endeavouring to develop training courses specifically designed for officials of national or regional administrations which could deal with the questions relevant to the problems currently at issue. It hopes to be able to run the first courses in 1990, taking account of the priority areas in the programme to build a Europe without frontiers.

There are no pages 18-20 in the original document.

LIST OF ANNEXES

- I. Measures whose implementation date has passed
- II. Implementation of the Directives in force in the White Paper programme
- III. Breakdown of situation by each Member State
- IV. Implementation schedule of the measures already adopted by the Council
- V. Application of Articles 30-36 of the EEC Treaty and of Directive 83/189.
- VI. Draft technical standards notified pursuant to Directive 83/189/EEC as amended by Directive 88/182/EEC.
- VII. Court of Justice decisions not implemented by Member States.

MEASURES WHOSE IMPLEMENTATION DATE HAS PASSED

To date, 81 measures* have entered into force.

These measures involve 100 different provisions** as follows:

Directives	68
Directives requiring national implementing measures	65
Decisions	13
Decisions requiring national implementing measures	5
Regulations	13
Recommendations	6

* This figure relates to the White Paper headings

** This figure comprises all the provisions adopted by the Council

Provisions not requiring national implementing measures

Directives

Directive 87/487 is of a technical nature (content of swine fever eradication programmes) and therefore does not entail national implementing measures in the strict sense.

The date for incorporation into national law has not yet been fixed for Directives 85/323 and 85/324 (concerning microbiological checks on fresh meat and poultrymeat).

Decisions

Three Decisions do not specify any implementation date (88/524: priority action plans for setting up an information services market; 86/649: eradication of African swine fever in Portugal; 86/650: idem for Spain).

The non-implementation of Decision 85/368 (mutual recognition of vocational training qualifications) is at present fully justified as the circumstances described in its implementing provisions do not yet prevail.

Decision 86/365 (COMETT) entails only measures by the Commission itself and the Council.

The Decision of 12 December 1985 authorizes the Commission to open negotiations on accession to the European Agreement on Detergents.

Decision 85/434 concerns the setting up of an Advisory Committee on pharmaceutical training.

Decision 88/245 authorizes the continuation of existing derogations for the excise duties applicable to traditional rum produced in the French overseas departments.

Recommendations

Although they are not binding, all six Recommendations specify measures to be taken at national level.

Regulation 85/2137 setting up the EKIG involves adaptation of the national legal framework and hence national implementing measures.

**IMPLEMENTATION OF THE DIRECTIVES
IN FORCE IN THE WHITE PAPER PROGRAMME**

N.B.: I = Implemented
 NI = Not implemented
 D = Derogation
 INFR = Infringement procedure under way
 NA = Not applicable

Measure	B	D	DK	E	F	GR	I	IRL	L	NL	P	UK	Remarks
1) THE REMOVAL OF PHYSICAL BARRIERS--	:	:	:	:	:	:	:	:	:	:	:	:	:
-CONTROL OF GOODS--	:	:	:	:	:	:	:	:	:	:	:	:	:
<u>Various controls</u>	:	:	:	:	:	:	:	:	:	:	:	:	:
Duty free admission of fuel contained in the fuel tanks of commercial motor vehicles	:	:	:	:	:	:	:	:	:	:	:	:	:
	I	I	I	I	I	I	I	I	I	I	I	I	
<u>Veterinary and phytosanitary controls</u>	:	:	:	:	:	:	:	:	:	:	:	:	:
Production and trade in milk	:	:	:	:	:	:	:	:	:	:	:	:	:
	NI	NI	I	NI	I	NI	I	NI	NI	I	NI	I	
Eradication of classical swine fever in the Community as a whole and swine fever (3 Directives)	:	:	:	:	:	:	:	:	:	:	:	:	:
	INFR	I	I	I	I	I	INFR	NA	I	I	I	I	:Concerns :Dir. 87/486
85/358 Hormone growth promoters	:	:	:	:	:	:	:	:	:	:	:	:	:
88/146	NI	I	I	I	I	NI	I	I	I	I	I	I	

Measure	B	D	DK	E	F	GR	I	IRL	L	NL	P	UK	Remarks
Microbiological controls (meat, poultry, red meat) (2 Dir.: 85/323 85/324)	:	:	:	:	:	:	:	:	:	:	:	:	: :TIME FOR :IMPLEMEN- :TATION NOT :YET FIXED
Medical 85/325 examination of Personnel 85/326 (3 Directives) 85/327	: I	: I	: I	: I	: I	: I	: INFR	: I	: I	: I	: NI	: I	: :E partial :implement.
Antibiotic residues	:	:	:	:	:	:	:	:	:	:	:	:	:Information :not availab.
Control of residues	:	:	:	:	:	:	:	:	:	:	:	:	:Information :not availab.
85/320	: I	: I	: I	: I	: I	: I	: I	: I	: I	: I	: NI	: I	:
Swine fever 85/321 (3 Dir.) 85/322	: I	: I	: I	: NI	: I	: I	: I	: I	: I	: I	: NI	: I	:
Control of foot and mouth disease	: I	: I	: I	: NI	: I	: I	: I	: I	: I	: I	: I	: I	:E partial :implement.
Amendment to 85/574	: I	: I	: I	: I	: I	: I	: I	: I	: I	: I	: I	: I	:
Directive 77/93 (plant health) (2 Dir.) 88/572	: I	: I	: NI	: NI	: NI	: NI	: NI	: NI	: I	: I	: I	: NI	: I

Measure	B	D	DK	E	F	GR	I	IRL	L	NL	P	UK	Remarks
Maximum levels for: pesticide residues: in cereals and 86/362	I	I	I	NI	I	I	NI	I	NI	I	NI	I	
foodstuffs of 86/363	I	I	I	NI	I	NI	NI	I	NI	I	NI	I	
animal origin (2 Directives)													
Amendment of Directive 79/117/EEC on the prohibition of certain plant protection products (ethylene: oxide)	I	I	I	NI	I	I	NA	I	I	I	I	I	
Proposal for Directive on the fixing of guide- lines for the evaluation of additives used in animal foodstuffs	I	I	I	I	I	I	INFR	INFR	I	I	NI	I	

Measure	B	D	DK	E	F	GR	I	IRL	L	NL	P	UK	Remarks
Modification of Directive 72/461 on health problems affecting intra-Community trade in fresh meat and Directive 72/462 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from 3rd countries	I	I	I	NI	I	I	I	NA	NA	I	NI	NA	: IRL, L and UK: do not apply: derogations envisaged in: Dir. 87/64
Acceptance for breeding purposes of purebred breeding animals of the bovine species	I	NI	I	D	I	NI	I	I	NI	NI	D	I	: E and P implementation required for: 1/1/92
Amendment to Directive 80/215 on animal health problems affecting intra-Community trade in meat products	I	I	I	I	I	INFR	INFR	INFR	I	I	NI	I	

Measure	B	D	DK	E	F	GR	I	IRL	L	NL	P	UK	Remarks
Amendment to Directive 64/433 on health problems affecting intra-Community trade in fresh meat	NI	NI	I	NI	I	NI	NI	I	I	NI	NI	NI	
Amendment to Directive 72/462 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries	NI	NI	NI	NI	I	NI	NI	I	I	NI	NI	I	
Certification of seeds (Dir.88/380)													:Information : :not availab.:
CONTROL OF INDIVIDUALS													

Measure	B	D	DK	E	F	GR	I	IRL	L	NL	P	UK	Remarks
Sixth Directive relative to exemptions in international travel : increase to 350 ECUS	I	I	I	I	I	I	I	I	I	I	I	I	
Tax reliefs to be allowed on the importation of goods in small consignments of a non-commercial character	I	I	I	I	I	I	I	I	I	I	I	I	
Small consignments: exemption from VAT on the final importation of goods (amendment to Directive 83/181 determining the scope of Article 14(1)(d) of Directive 77/388)	I	NI	I	I	I	I	NI	NI	I	NI	I	I	
2) THE REMOVAL OF TECHNICAL BARRIERS:													
-FREE MOVEMENT OF GOODS-													

Measure	B	D	DK	E	F	GR	I	IRL	L	NL	P	UK	Remarks
<u>New approach in technical harmonization and standards</u>	:	:	:	:	:	:	:	:	:	:	:	:	:
Extension of information procedures on standards and technical rules (amendment to Directive 83/189)	:	:	:	:	:	:	:	:	:	:	:	:	:
	I	I	I	I	I	I	NI	I	I	I	I	I	:
<u>Sectorial proposals concerning approximation of laws-Motor vehicles</u>	:	:	:	:	:	:	:	:	:	:	:	:	:I: Partial implement.
Gaseous emissions, passenger cars	:	:	:	:	:	:	:	:	:	:	:	:	:
	I	I	I	I	I	I	NI	I	I	I	NI	I	:
Gaseous emissions, commercial vehicles	:	:	:	:	:	:	:	:	:	:	:	:	:
	I	I	I	I	I	I	I	I	I	I	NI	I	:
Diesel particul.	:	:	:	:	:	:	:	:	:	:	:	:	:
	NI	I	I	I	I	I	I	I	I	I	NI	I	:
Type approval of motor vehicles and their trailers, Directive 70/156	:	:	:	:	:	:	:	:	:	:	:	:	:
	I	I	I	I	I	I	I	I	I	I	NI	I	:

Measure	B	D	DK	E	F	GR	I	IRL	L	NL	P	UK	Remarks
<u>Tractors and agricultural machines</u>													
Modification of framework Directive 74/150	I	I	I	I	I	I	NI	I	NI	I	NI	I	
<u>Rollover protection structures</u>													
	I	I	I	I	I	I	NI	NI	I	I	NI	NI	
<u>Food law</u>													* in many
General Directive on sampling and methods of analysis													cases it
	I	INFR	INFR	I	I	INFR	INFR	INFR	I	INFR	NI	INFR	doesn't need
													implement.
													through a
													new enactm.
<u>Preservatives (modification) COM(81)712</u>													
	I	NI	I	I	I	I	I	NI	I	I	NI	I	
<u>Emulsifiers (modification)</u>													
	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	
<u>Coffee extracts chicory extracts (modification)</u>													
	I	I	I	I	NI	I	I	I	I	I	NI	I	
<u>Obligation to indicate ingredients and alcoholic strength:</u>													
	I	NI	I	I	NI	NI	NI	I	I	I	NI	NI	

Measure	B	D	DK	E	F	GR	I	IRL	L	NL	P	UK	Remarks
Simulants (plastic materials in contact with foodstuffs)	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	
<u>Pharmaceuticals and high-technology medicines</u>													
Proposal for Directive concerning the placing on the market of high-technology medicinal products: incl. those derived from biotechnology	I	I	I	I	I	I	I	I	I	I	I	I	
Proposal amending Directive: 75/318/EEC concerning the testing of medical specialities	I	I	I	NI	I	I	I	I	I	I	D	I	:P:Derogation: :until :1/1/91 :I: basic :pharmaceut. :directives :65/65 and :75/319 not :implemented :(INFR)

Measure	B	D	DK	E	F	GR	I	IRL	L	NL	P	UK	Remarks
Proposal amending Directive 81/852/EEC concerning veterinary medicinal products:	I	I	I	NI	I	I	INFR	I	I	I	I	I	
Proposal for a Council Directive amending Directive 65/65/EEC concerning medical specialities	I	I	I	D	I	D	NI	I	I	I	D	I	:E,GR and P: :derogation :until :1/1/92
<u>Chemical products</u>													
Council Directive relating to restrictions on the marketing and use of PCB's (polychlorinated biphenyls)	I	INFR	I	NI	I	I	I	I	I	I	I	I	
Council Directive relating to "Restrictions on the marketing and use of asbestos"	I	I	I	NI	I	I	I	I	I	I	I	I	
Non-ionic detergents (modification of existing Directive)	I	I	I	I	I	I	INFR	I	I	I	NI	I	

Measure	B	D	DK	E	F	GR	I	IRL	L	NL	P	UK	Remarks
<u>Construction and construction products</u>	:	:	:	:	:	:	:	:	:	:	:	:	:
Tower cranes : permissible sound levels	: NI	: NI	: NI	: NI	: I	: NI	: NI	: NI	: I	: NI	: NI	: NI	:
	: except Flanders	:	:	:	:	:	:	:	:	:	:	:	:
<u>Other items</u>	:	:	:	:	:	:	:	:	:	:	:	:	:
Tyre pressure gauge	: NI	: I	: I	: I	: I	: I	: I	: I	: I	: I	: NI	: I	: B: Implem. not complying with the directive
Hydraulic diggers (noise)	: NI	: I	: I	: NI	: I	: NI	: NI	: I	: NI	: I	: NI	: NI	:
Directive on products which, appearing to be other than they are, endanger the health or safety of consumers	: NI	: I	: NI	: NI	: NI	: NI	: NI	: NI	: NI	: NI	: NI	: NI	:
Good laboratory practices : non-clinical testing of chemicals	: I	: NI	: I	: NI	: I	: I	: I	: NI	: I	: I	: NI	: NI	:

Measure	B	D	DK	E	F	GR	I	IRL	L	NL	P	UK	Remarks
<u>Public procurement:</u>	:	:	:	:	:	:	:	:	:	:	:	:	:E,GR et P :
	:	:	:	:	:	:	:	:	:	:	:	:	:Derogation :
Coordination of	:	:	:	:	:	:	:	:	:	:	:	:	:until :
procedures on the	:	:	:	:	:	:	:	:	:	:	:	:	:1/3/92 :
award of public	:	:	:	:	:	:	:	:	:	:	:	:	:
supply contracts	:	:	:	:	:	:	:	:	:	:	:	:	:Conformity :
(amendment of	:	:	:	:	:	:	:	:	:	:	:	:	:national :
Directive 77/62)	I	I	INFR	D	I	D	INFR	I	I	INFR	D	I	:measures not:
and deletion of	:	:	:	:	:	:	:	:	:	:	:	:	:checked :
certain provisions:	:	:	:	:	:	:	:	:	:	:	:	:	:
of Directive	:	:	:	:	:	:	:	:	:	:	:	:	:
80/767	:	:	:	:	:	:	:	:	:	:	:	:	:

FREE MOVEMENT FOR	:	:	:	:	:	:	:	:	:	:	:	:	:
LABOUR AND THE	:	:	:	:	:	:	:	:	:	:	:	:	:
PROFESSIONS	:	:	:	:	:	:	:	:	:	:	:	:	:
	:	:	:	:	:	:	:	:	:	:	:	:	:
Coordination of	:	:	:	:	:	:	:	:	:	:	:	:	:
provisions in the	:	:	:	:	:	:	:	:	:	:	:	:	:
field of pharmacy	I	INFR	I	NI	I	I	INFR	I	I	I	I	I	:L: No need :
	:	:	:	:	:	:	:	:	:	:	:	:	:
Mutual recognition:	:	:	:	:	:	:	:	:	:	:	:	:	:
of diplomas in	:	:	:	:	:	:	:	:	:	:	:	:	:
pharmacy	INFR	I	I	NI	I	I	INFR	I	INFR	I	I	I	:

Specific training	:	:	:	:	:	:	:	:	:	:	:	:	:L: No need :
in general	:	:	:	:	:	:	:	:	:	:	:	:	:
medical practice	I	INFR	INFR	I	INFR	I	INFR	I	I	I	I	I	:

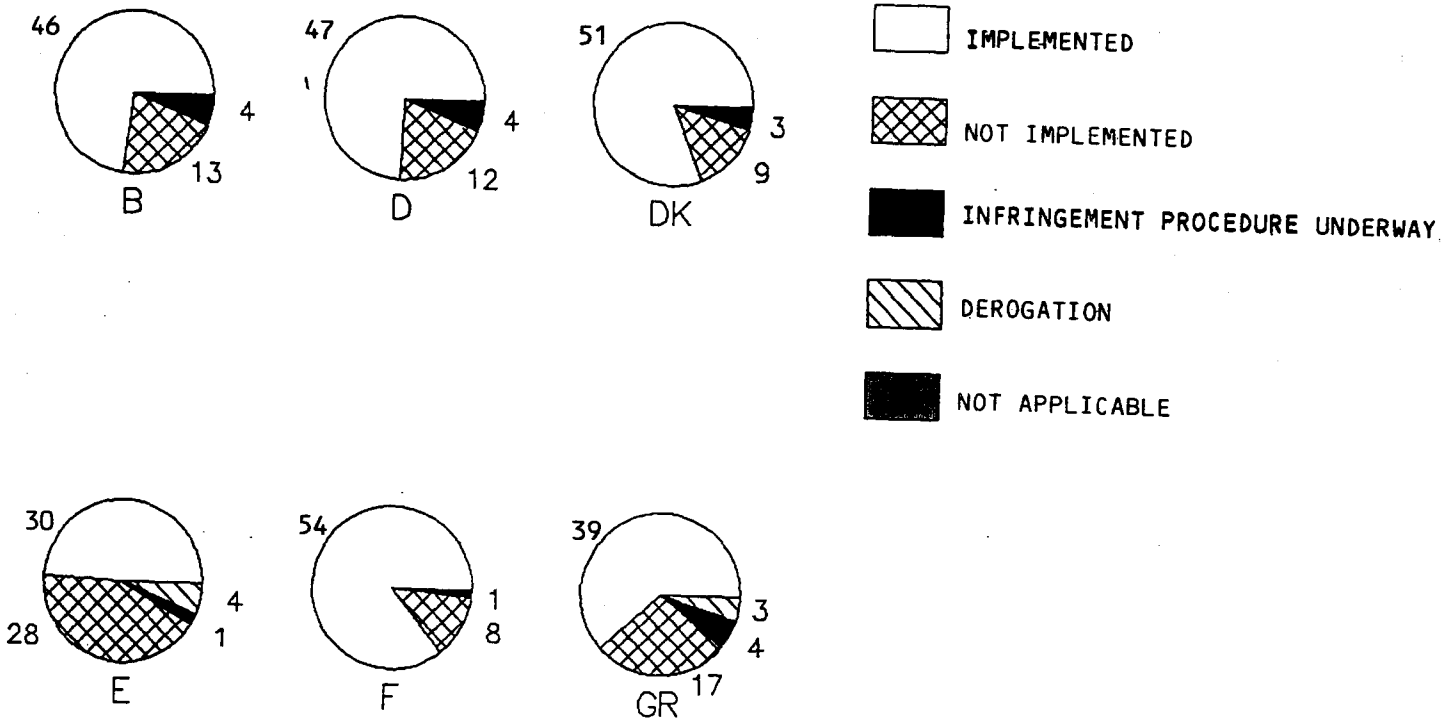
Measure	B	D	DK	E	F	GR	I	IRL	L	NL	P	UK	Remarks
TRANSPORT	:	:	:	:	:	:	:	:	:	:	:	:	:
Fares for scheduled air services	:INFR	I	NI	I	I	INFR	NI	NI	INFR	I	NI	I	:
Air_transport : sharing of passenger capacity: and market access : (Dec. 87/602)	NI	I	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	:
NEW TECHNOLOGIES AND SERVICES	:	:	:	:	:	:	:	:	:	:	:	:	:
Pan European mobile telephones	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	:
CAPITAL MOVEMENTS	:	:	:	:	:	:	:	:	:	:	:	:	:E:Derogation:
Liberalisation of operations such as: transactions in securities not dealt in on a Stock Exchange, admission of securities on the capital market and: long-term commercial credits:	I	I	I	D	I	D	I	I	I	I	D	I	:until :31/12/90 :GR: :Derogation :until :31/12/89 : :P: :Derogations :until :31/12/92

Measure	B	D	DK	E	F	GR	I	IRL	L	NL	P	UK	Remarks
CREATION OF SUITABLE CONDITIONS FOR INDUSTRIAL CO-OPERATION	:	:	:	:	:	:	:	:	:	:	:	:	:
<u>Company law</u>	:	:	:	:	:	:	:	:	:	:	:	:	:
Regulation for a European Economic Interest Grouping	I	I	I	NI	I	NI	NI	I	NI	I	NI	I	:
<u>Intellectual and industrial property</u>	:	:	:	:	:	:	:	:	:	:	:	:	:
Legal protection of micro circuits	INFR	I	I	I	I	INFR	I	I	I	I	I	I	:
3)THE REMOVAL OF FISCAL BARRIERS	:	:	:	:	:	:	:	:	:	:	:	:	:
<u>V.A.T</u>	:	:	:	:	:	:	:	:	:	:	:	:	:
13th VAT Directive: concerning tax refunds to persons: not established in: the Community	I	I	I	I	I	I	INFR	I	I	I	I	I	:

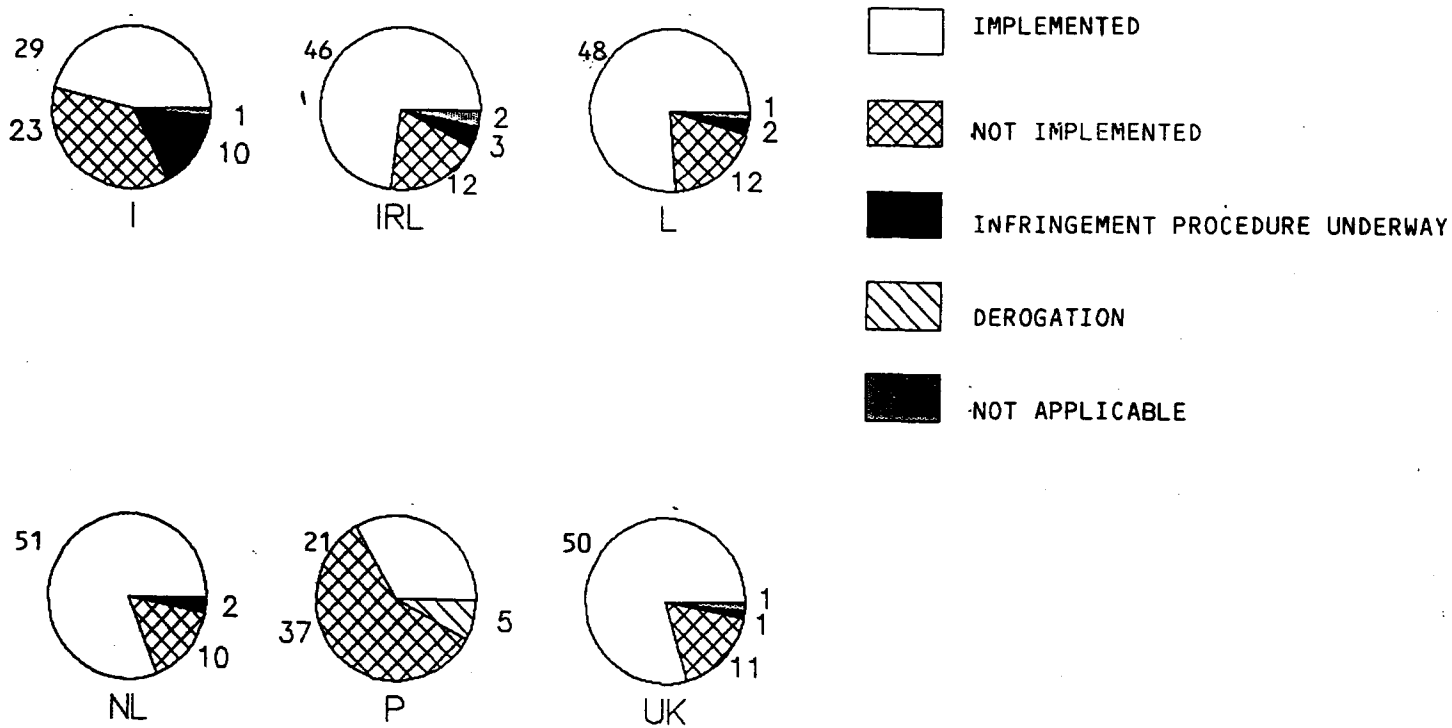
Measure	B	D	DK	E	F	GR	I	IRL	L	NL	P	UK	Remarks
17th VAT Directive:	:	:	:	:	:	:	:	:	:	:	:	:	:
concerning the	:	:	:	:	:	:	:	:	:	:	:	:	:
temporary	:	:	:	:	:	:	:	:	:	:	:	:	:
importation of	:	:	:	:	:	:	:	:	:	:	:	:	:
goods other than	:	:	:	:	:	:	:	:	:	:	:	:	:
means of transport:	I	I	I	INFR:	I	NI	I	I	I	I	I	I	:

Annex III

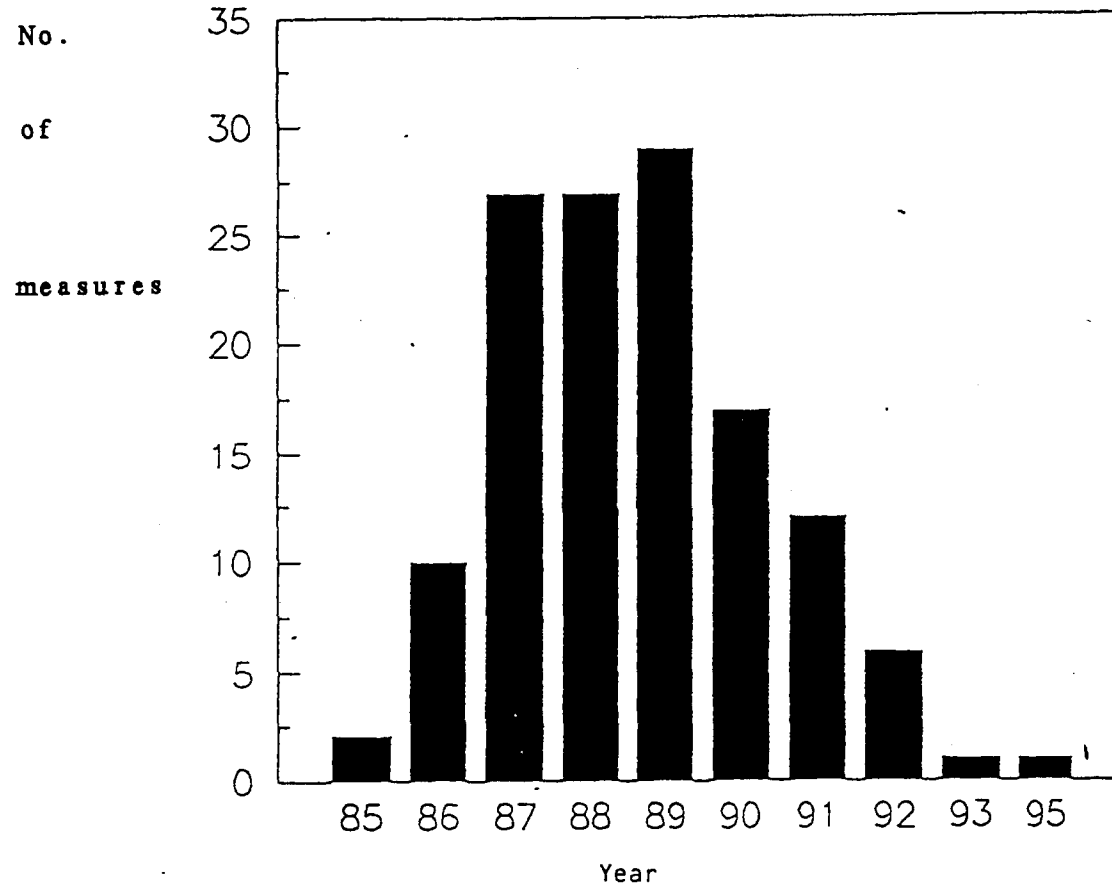
BREAKDOWN OF SITUATION BY MEMBER STATE



B R E A K D O W N O F S I T U A T I O N ' B Y M E M B E R S T A T E



Implementation schedule of the measures already adopted by the Council



This graph includes all the measures adopted by the Council for which an implementation date has been fixed.

In some cases, implementation of a measure is phased over several years.

APPLICATION OF ARTICLES 30-36 OF THE EEC TREATY
AND OF DIRECTIVE 83/189

	1988	1.01/30.6.89
1. Number of Articles 30-36 dossiers examined in 1988 and in the first six months of 1989	1180	587
These dossiers break down as follows:		
a. Complaints, suspected infringements, cases detected by Commission departments and investigated	783	428
b. Infringements established * proceedings initiated for infringement of Articles 30 <u>et seq.</u>	155	125
(* initiation of proceedings decided but not yet put into effect: 15)		
c. Referrals to the Court for infringement of Articles 30 <u>et seq.</u>	5	2
d. Draft technical regulations within the meaning of Directive 83/189/EEC examined or being examined in the light of Articles 30-36	193	
e. Reasoned opinions	44	19
	1988	1.01/30.6.89
2. New complaints regarding Articles 30-36 (including 228 complaints relating to registration of second-hand vehicles in Spain)	552	185

**DRAFT TECHNICAL STANDARDS NOTIFIED PURSUANT TO
DIRECTIVE 83/189/EEC AS AMENDED BY
DIRECTIVE 88/182/EEC**

Member State	1984-1988 (April-December)	1989 (January-June)	TOTAL
BELGIUM	25	7	32
DENMARK	67	10	77
GERMANY	222	46	268
GREECE	14	5	19
SPAIN *	34*	12	46
FRANCE	122	28	150
IRELAND	13	2	15
ITALY	21	11	32
LUXEMBOURG	0	0	0
NETHERLANDS	40	11	51
PORTUGAL	7*	2	9
UNITED KINGDOM	52	17	69

*Since 1 January 1986.

COURT OF JUSTICE DECISIONS NOT IMPLEMENTED BY MEMBER STATES
PROCEDURES UNDERWAY ON THE BASIS OF ARTICLE 171 OF THE TREATY

MEMBER STATE	LEGAL BASE	SUBJECT OF INFRINGEMENT PROCEDURE
BELGIUM	Articles 7, 48, 128, of EC Treaty; Regulation 1612/68	Discrimination in public financing; non-university higher education.
	Directive 714/82	Technical specifications inland waterway vessels
	Directive 470/82	Transport agents
	Regulation 121/82	Securities
	Regulation 80/390	Securities

	: Regulation 279/79	: Securities
DENMARK	: Regulation 831/79	: Dangerous substances
	: Regulation 831/79	: Dangerous substances
GERMANY	: Article 30 of the EC Treaty	: Difficulties with pasta imports
	: Article 30 of the EC Treaty	: Packaging of "petillant de raisin"
	: Article 30 of the EC Treaty	: Prohibition on sale of beer not exclusively brewed with malt barley

	: Dir. 69/169	: Butter "cruises" - Taxation aspect
GREECE	: Articles 52 & 59 of the EC Treaty:	: Nationality requirements for access to the following professions : architects, graduate engineers, surveyors
	: Article 90 (3) of the EC Treaty, Commission decision 85/276	: Insurance of public goods
	: Article 52 of Greek Act of Accession	: Refusal to authorise transfer of credits to the blocked accounts of Member State residents
	: Articles 9 & 13 of the EC Treaty : Article 28 of the Greek Act of Accession	: Bank fees for the control of imported products

	: Articles 52 & 59 of the EC Treaty:	: Nationality requirements to practice as lawyer
	: Articles 48, 52 & 59 of the EC Treaty	: Prohibition on teaching
	: Article 30 of the EC Treaty	: Provisions imposed on sale of malt beers
SPAIN		
FRANCE	: Articles 52 & 59 of EC Treaty	: Replacement of doctor in shared practice
	: Dir. 77/388	: VAT - motorway tolls
IRELAND	: Directive 388/77	: Application of zero rates

ITALY	Dir. 79/109	Brucellosis
	Dir. 80/219	Tuberculosis and brucellosis
	Dir. 80/1098	Classical swine fever and swine vesicular disease
	Dir. 90/1099	Classical swine fever and swine vesicular disease
	Dir. 82/242; Dir. 82/243	Anionic surfactant
	Dir. 414/84	Thermometres
	Articles 52 & 59 of the EC Treaty:	Nationality requirements (guides, journalists, self-employed pharmacists)

Dir. 83/181	Final importations of personal effects - tax relief
Dir. 83/181	VAT exemption on final importation of certain goods
Art. 95 of EC Treaty	Taxation on bananas
Dir. 82/57	Phased customs clearance
Dir. 82/347	Export procedures on Community goods
Dir. 81/177	Export procedures on Community goods
Dir. 76/82	Part-time training of specialist medical personnel

: Dir. 65/65; 75/319	: Placing on the market of medicines
: Dir 470/82	: Transport agents
: Article 13 of the EC Treaty	: Burden of proof requirements : which make the reimbursement : of national taxes at : equivalent rates impossible
: Directive 660/78	: Company annual accounts

	: Directive 386/84	: Movable tangible property
	: Directive 388/77	: Veterinary surgeons and blacksmiths - exemption from services
	: Article 95 of EC Treaty; : Directive 388/77	: Import of medical samples
LUXEMBOURG		
NETHERLANDS	: Dir. 388/77	: Tax regime notaries and ushers
PORTUGAL		
UNITED KINGDOM	: Dir. 756/76	: Lighting and light signalling : devices of motor vehicles

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