

COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 5 October 1990

**IMPLEMENTATION OF THE LEGAL ACTS
REQUIRED TO BUILD THE SINGLE MARKET**

**COMMUNICATION FROM THE COMMISSION
TO THE COUNCIL AND THE EUROPEAN PARLIAMENT**

1. This Communication forms part of the continuous monitoring of the Member States' implementation of legal instruments adopted pursuant to the White Paper. This matter has already been dealt with in:
 - the Communication of 7th September 1989,
 - the working document of 4th December 1989, and
 - the Fifth Report on the Implementation of the White Paper of 28th March 1990.

2. As the European Council noted in Dublin in June, the number of decisions so far adopted amounts to more than two thirds of the programme set out in the White Paper. The irreversibility of the process of completing the internal market has never been as clear as it is now: the consensus within the Community concerning the need to create a large area without internal frontiers is accompanied by an extraordinary economic vitality within Europe, evidenced by the regular growth of production, investment and job creation.

The Community has benefited in recent years from the general economic recovery of its main trading partners. The uncertainties born of recent oil-supply problems create the risk of an across-the-board increase in prices. It is vital in this context that the momentum which has been achieved in the process of integrating markets and aligning economic policies be kept up so that the economic advantages already shown to exist by the gradual completion of the internal market can be preserved. This, for the Community, is the first response which should be given to the current threats to economic growth.

3. It is in order to keep up this momentum that the Commission has regularly provided information on the current state of play as regards implementation of the White Paper on the completion of the internal market in the form of annual reports published since 1986 and the first of two interim reports it is required to produce under Article 8b of the Treaty. In 1989, the Commission extended the scope of these reports to include the question of progress within the Member States in implementing the measures adopted as part of the 1992 programme; faced with an accelerating rate of decisions entering into force, the Commission has undertaken to examine such progress twice a year. This year, it published its Fifth Report on the Implementation of the White Paper,¹ which also deals with the implementation of measures by the Member States themselves. The present report is intended to update information regarding the latter point.

¹ COM(90)90 of 28 March 1990.

4. Transparency about the progress of implementation has led the Member States to become more aware of the need to meet their obligations. It is beyond doubt that the situation has considerably improved since September 1989, despite the entry into force since that date of 32 new legal instruments.

Of the 107 measures in force and requiring transposition, a further two can be added to the list of 18 which had been transposed in all the Member States by March of this year. The most marked change to the situation since the last report has occurred in Portugal, particularly in the area of plant and animal health legislation, the basic texts of which have now been transposed, thereby making way for the rapid adoption of implementing measures.

The current situation therefore shows a definite improvement compared with the number of measures which were in force in September 1989, when barely 31% of transposing legislation had been notified. As the table in Annex IV indicates, the rate of transposition has increased continuously since September 1989; however, as a result of the increase in the number of acts in force, the rate of transposition, which now stands at more than 60 %, has fallen slightly since March 1990. But, although most of the slippage from schedule has been made up for by most Member States, the amount of slippage which exists with regard to legislation which has fallen due for implementation since that time is considerable, thus confirming the difficulty which most Member States are experiencing in keeping up at the transposition stage with the rate at which the decision-making process is running. The same phenomenon can be observed as regards Court judgments not yet complied with: their number has increased from 44 to 36 in the area of the internal market; 8 judgments have been implemented since March of this year. This positive development of a situation which had remained stationary for more than a year marks a change in trend; five Member States are concerned, including Italy, which accounts for more than half of the delays registered.

5. The delays are due above all to the administrative organization of the Member States concerned and not to any lack of will on their part. In this respect, an analysis of the votes cast within the Council on those proposals approved by qualified majority since July 1987 (i.e. when the Single Act entered into force) shows that there is no relation between the position taken within the Council and delays in transposition.

The most worrying aspect is the fact that delays are concentrated in the same Member States, often because they have not yet been able to establish an efficient administrative organization or procedure.

However, although the situation regarding the implementation of Community law remains disappointing, it is still the case that a greater awareness of that situation has emerged.

The European Council itself, meeting in Dublin, stressed the paramount importance of implementing Community legislation by the specified deadlines. It asked the Commission to strengthen its monitoring procedures in this regard. The adaptation, strengthening or creation of structures responsible for implementation are the responses which the national administrations have given to the Commission's stand. Italy has gone as far as to make profound and innovative changes to its legislation by establishing an annual "Community Act" intended to settle all of its Community obligations: the implementation of new institutional arrangements introduced by the so-called "La Pergola Act"² should allow the present trend to be reversed gradually, as soon as the implementing measures have been taken. Portugal has also introduced working methods at Government level which have enabled 40 measures to be adopted since the Commission's Fifth Report.

All countries have reduced the number of delays observed in 1989. But worries still remain regarding the implementation of legislation already adopted³ or still to be approved.

1. PROGRESS IN THE VARIOUS AREAS CONCERNED

6. Progress in transposing Community law into national law is examined in each of the areas identified by the White Paper on the basis of the acts notified by the Member States.

This analysis does not extend to the removal of tax frontiers because the Council has not yet dealt with dossiers which form the hard core of measures vital to the creation of the single market, and this for political and institutional reasons which are well known (unanimous voting is required); however, progress in transposing the three directives already in force is satisfactory.

(a) THE REMOVAL OF PHYSICAL BARRIERS

7. Few difficulties need be reported concerning measures to dismantle customs and tax formalities. This stems from the fact that, in most cases, directly applicable regulations have been adopted.
8. In the area of plant and animal health controls, the catching-up achieved by several Member States on delays recorded last year is outweighed by progress in transposing the directives which have entered into force this year. Overall, implementing measures have been notified in 80% of cases; shortcomings are present in particular in Italy and Greece.

2 Act No 86 of 9 March 1989 (Official Gazette of 10 March 1989).

3 The Member States will be called on to transpose, in full or in part, 33 measures in 1991, 22 in 1992 and 7 in 1993, not counting legislation not yet adopted.

(b) THE REMOVAL OF TECHNICAL BARRIERS

9. The Commission referred in its Fifth Report to the remarkable progress which had been made in this area, illustrated by the fact that 80% of proposals had been approved. This result is not equalled, however, as regards transposition into national law; with 65% of national implementing legislation notified to the Commission, this is the area in which the largest gap has opened up between the rate of adoptions and compliance with the timetables laid down for implementation. Delays exist in all areas - they are more common in the areas of agri-foodstuffs and consumer protection - and are particularly apparent in Italy, Portugal, Greece and Belgium.
10. Under the new approach towards technical harmonization, two directives, in particular, are in force.

The toy-safety Directive, which is the test case for determining whether this approach will work, has been transposed into national law by only half of the Member States; the main element of the implementation of this new approach is the designation of certification bodies, accompanied by the drawing up of European standards by the standardization institutes.

The second directive relates to pressure vessels. This entered into force on 1 July 1990, but has so far been transposed only by France and Belgium.

If this negative attitude were also to be displayed in the case of the other directives (electromagnetic compatibility, safety of machinery, personal protective devices, gas appliances, implantable electro-medical devices, lifting machinery and non-automatic weighing machines), the impetus which the "new approach" has given to the decision-making process would be jeopardized by the individual behaviour of the Member States. The approach's very credibility and the success of future work would thus be called into question; consequently the Commission, quite apart from initiating infringement proceedings for failure to notify national measures, is monitoring progress in implementing these directives at meetings of senior standardization officials.

11. In contrast, in areas covered by measures relating to the harmonisation of laws (the "old approach"), transposition is proceeding satisfactorily. This is mainly due to the fact that the traditional approach dovetails more readily with the national systems, whereas the "new approach" often clashes with them.

The only shadow is cast by the new provisions concerning foodstuffs, where transposition is badly off-schedule in most Member States (less than half of the required measures having been adopted). By far the best situation is to be found in the area of pharmaceutical products (where 92% of transposition measures have been taken). The situation in the remaining areas (motor vehicles, tractors, chemical products and new technologies) is satisfactory.

12. The area of public procurement has been a major priority for the Community since the launch of the 1992 programme. This fact has found expression in a number of major pieces of legislation, such as the two directives now in force which redefine the conditions governing the award of public supply and works contracts.

It must be said that the degree of priority of this legislation is not reflected at the transposition stage. The fact is that while the new directive on supply contracts has been transposed in all the Member States except Italy and the Netherlands, the "works" directive has still to be transposed by four Member States (Italy, Luxembourg, Netherlands and United Kingdom)⁴. This situation is worrying, not only for legal reasons, but also when it comes to ensuring a balanced implementation of these directives within the Community. Such a balance is essential if government departments and firms are to comply with the rules laid down by the Council.

The Commission is closely monitoring how this situation develops, both through its contacts with the Member States and through the advisory committees at its service.

13. The four directives in force concerning the free movement of self-employed workers have been transposed in 65% of cases, but only the directive concerning specific training in general medical practice is applicable in all Member States, except Italy.
14. As regards financial services, the situation is very bad in the insurance sector. Less than 20% of the legislation necessary for the transposition of the three directives in force (legal protection, credit and non-life) has been adopted. Progress in implementing the two directives which have fallen due for implementation in the area of securities transactions is more advanced: some 70% of the necessary measures have been notified, if account is taken of a number of derogations.
15. In the area of transport, although most legislation takes the form of regulations and is therefore directly applicable, some of it requires implementing measures. Even if, in practice, few difficulties have been notified to the Commission, the requirements of legal certainty are not met because implementing measures have not been adopted in most Member States.
16. Setting aside Spain, Greece, Ireland and Portugal (where implementation has been deferred to 1993 for some transactions), the liberalization of capital movements is operational in all Member States. Directive 88/361/EEC, which has replaced all previous directives on this matter, was implemented even before its entry into force on 1 July of this year; this illustrates that there is no obstacle to the implementation of Community legislation - even in an area as sensitive as capital movements - when governments have the will to attain the objectives they have set themselves.

⁴ Implementation date for Spain, Portugal and ...
01/03/92

17. As for company law, Spain, Greece, Italy and Luxembourg still have to transpose the Regulation on the European Economic Interest Grouping into national law more than a year after its entry into force. The consequences of these delays are limited since companies can always create an EEIG in any Member States in which the national legal framework has been adapted.

II. NON-COMPLIANCE WITH THE JUDGMENTS OF THE COURT OF JUSTICE

18. In monitoring the implementation of the single market programme, particular attention must be paid to cases of non-compliance with the judgments of the Court of Justice. Fulfilment of the obligations stemming from the Court's decisions is important in the run-up to 1992 inasmuch as a large number of proceedings for infringement of Article 171 of the Treaty concern the internal market, being cases of breaches of the Treaty's rules on the functioning of the single market or of secondary legislation governing the free movement of persons, goods, services and capital.

In its 1989 communication, the Commission drew attention to the dozens of proceedings pending. This concern was again voiced in the Fifth Report, given the lack of progress in this respect. The situation has since improved, however, the number of cases awaiting decision having fallen from 44 to 36. Although some new actions have been brought in recent weeks, a larger number have been settled.

III. PROGRESS WITH THE WORK IN HAND

19. In its 1989 communication, the Commission, after pointing to the serious problems encountered in the transposition sphere, outlined certain responses to those problems. The Council itself followed up the communication with the findings of its meeting on internal market issues of 21-22 December of that year.

The responses proposed by the Commission concerned:

- action in relation to the transparency of national transposition measures and codification;
- the strengthening of infringement procedures;
- generalization of the practice of holding global meetings with each Member State to discuss the stage reached in the transposition process;
- development of administrative cooperation between the Member States.

20. With regard to transparency, the results achieved so far are highly satisfactory, for regular monitoring of the stage reached in the implementation of measures has shed light on the position of each Member State both in relation to the provisions in force and in relation to the other Member States.

With the full support of the Council, the Commission has proceeded with the periodic dissemination of information and developed the INFO 92 database, which is accessible to the public and to whose content there have been added references to national implementing measures. The interest shown in this source of information is clearly illustrated by the 1,250 contracts concluded so far with users.

21. The codification of Community law is a further aspect of transparency. It is necessitated by the wealth of legislative measures adopted by the various authorities (European, national, regional or state, etc.) involved in the implementation process: the consolidation of a set of instruments into a single instrument facilitates knowledge, and hence application, of the provisions relating thereto. This is a lengthy and difficult task in which the Community has been engaged for some time, with results which, though encouraging, are limited to certain areas owing to the complexity of the work and the lack of adequate funding.

The exercise has already been brought to a successful close in the case of the Seventh VAT Directive, cosmetics and the labelling of foodstuffs, and work is proceeding in the spheres of public procurement and tractors. This codification work is being carried out mainly at the instigation of Parliament.

22. The Commission has taken steps to speed up its own decision-making processes, with the intention of initiating infringement proceedings for failure to notify national implementing measures as soon as the time limit expires. This concerns Community law as a whole and not just the White Paper. The Commission is aware, however, of the limitations of the proceedings in question should those bearing political responsibility at national level not assume their own responsibilities.

If the Commission were not mindful of this, the speeding-up of infringement proceedings would only lead to an increase in the number of unenforced judgments. Such is not the aim. The aim is, rather, to create an additional means of applying pressure on the departments responsible, within national administrations, for drafting and adopting implementing measures.

23. Failure to transpose is often due to a lack of coordination within Member States between negotiators and those who are called upon to ensure implementation. Only one Member State has so far seen fit to draw the attention of the officials responsible for preparing the ground for the implementation of Community legal instruments to the advisability of setting the necessary procedures in motion as soon as the negotiations begin.⁵

⁵ Cf. the circular issued by Mr Rocard, the French Prime Minister, on 25 January 1990.

The Commission has therefore recommended the holding, within the working parties and committees operating in the various fields, composed as they are as a rule of national officials and experts, of a discussion on the stage reached in the implementation of the measures within their sphere of competence. The recommendation has been followed so far in the fields of standardization and pharmaceuticals. This procedure should be rendered systematic, such bodies being useful also as a means of solving any problems of interpretation and of issuing reminders of future deadlines.

24. These general problems of transposition justify the position taken by the Commission with regard to package meetings, which are aimed at starting a dialogue in this connection, and with regard to administrative cooperation, which ensures consistency of administration.
25. The practice of holding global meetings, known as "package meetings", with each Member State to review developments in a number of areas has proved a notable success when it comes to dealing with infringements of Article 30 of the Treaty and transposing Community legislation in Spain and Portugal.

The scope of the experiment has been widened, in those two countries, to include monitoring of the implementation of all the measures set out in the White Paper. This has led to progress being made in respect of a good many matters outstanding and to an improvement in internal procedures in both Member States. Whereas by last September Spain had transposed 51.7% of the provisions then in force, it has notified 75% of the implementing measures relating to all the acts currently in force. Portugal has also improved its performance with a rise within a year from 34.4% to 81.6%, in the number of transpositions notified. Yet, over the same period, the two countries had to discharge their obligation to transpose the Community legislation predating their accession.

The opening of a dialogue between the national authorities responsible for transposition and the Commission's departments, and the drawing-up of a work schedule at national level, are other positive effects of this initiative. It is an instrument that has proven its worth and it should be applied to all those Member States which currently are the source of a worrying number of delays and infringements. The Commission proposes to hold such meetings in the course of the next few months.

26. Administrative cooperation is an essential component of mutual trust as it makes it possible to exchange experience and information on a regular basis, thereby ensuring the consistent implementation of Community law.

The numerous meetings of experts organized by the Commission have long constituted the basic instrument of such cooperation. This instrument is no longer sufficient owing to the burden of administering the measures in force and the volume of information to be exchanged. The Commission now wishes, therefore, to develop exchanges of officials and the setting-up of information networks.

27. The Commission's departments are introducing a programme of exchanges of officials between national administrations, first and foremost in certain key areas of the White Paper, namely certification, public procurement, diplomas and pharmaceutical products.

The management of this exercise will be coordinated by the European Institute of Public Administration in Maastricht, half the finance being provided by the Community and the other half by the Member States concerned.

In view of the particularly favourable reception given to it by the Member States, the programme will make it possible, for the first time, to train some 100 national officials a year in key areas in relation to the free movement of persons, goods and services. A pilot scheme will be started up this year. This general initiative comes on top of the MATTHAEUS programme, which was launched in 1989 and concerns the customs authorities, and specific initiatives which are being prepared in the fields of animal health controls and food inspection.

28. The functioning of the internal market is conditional on the existence of adequate, appropriate infrastructures. The Commission is therefore drawing up a work programme aimed at the introduction of trans-European networks in the spheres of transport, telecommunications, energy and training, which will be interoperable at Community level. This global approach has been sanctioned by the European Councils of Strasbourg and Dublin and by the Council Resolution of 22 January 1990.

Networks for the transmission of data between administrations fit into this framework. It is paradoxical that, at a time when undertakings are introducing networks, national authorities possessing such service infrastructures are the exception rather than the rule. The following needs are now being felt:

- the abolition of frontier formalities in respect of individuals calls for an information system common to the various police forces along the lines of the Schengen Information System (SIS) provided for under the Schengen Agreement;
- implementation of the provisions reorganizing animal health controls by abolishing them for the most part⁶ also calls for a network of information exchanges between national veterinary authorities;

⁶ Directive 89/662/EEC (OJ L 395, 30.12.1989).

- removal of tax frontiers due to the existing VAT and excise duty arrangements involves the development of effective means of monitoring intra-Community transactions in order to ensure the proper collection of taxes.

Other uses are foreseeable in the customs sphere and in the spheres of certification, public procurement, employment, etc.

29. In July the Commission presented the progress report requested by the Council.⁷ Work is continuing on drawing up, by the end of the year, a work programme accompanied by concrete proposals. The programme will take account of all the opportunities afforded by the projects that are under way, so as to deal comprehensively with the networks from the angle of administrative cooperation in applying the single market rules.

⁷ "Towards trans-European networks", COM(90)310 of 19 July 1990.

GUIDE TO THE ANNEXES

1. ANNEX I shows the implementation situation of all White Paper measures which have entered into force together with those measures due to enter into force by the end of 1990.
2. Only those measures in force at the date of publication of this Communication and for which the Member States have communicated the national measures taken are counted in the implementation assessment. This does not include those directives which do not have a legal requirement e.g. those in the agricultural domain which make provision for plans to eradicate diseases.
3. The implementation situation is indicated for all measures requiring national implementing measures whatever the legal status of these measures. However, only those measures for which implementation is legally required (regulations, directives, decisions) are included in the assessment.
4. Item I above (implementing measures notified) does not imply examination of conformity by the Commission's services. Therefore, the communication of national measures in the context of the implementation of the White Paper on the completion of the internal market does not exempt Member States from their obligation to formally notify the Commission in accordance with the usual procedures.
5. Partial implementation of measures, which has taken place in several cases, does not satisfy legal requirements and is considered as non-implementation; whilst emphasising the obligation to complete implementing measures, the Commission recognises the work already carried out by Member States and this is taken account of in the "Remarks" column.
6. ANNEX II contains a list of Court of Justice decisions which have not yet been implemented by the Member States and for which the Article 171 infringement procedure has been set in train; this list only applies to internal market measures.
7. ANNEX III gives a graphical presentation of the situation on a Member State by Member State basis; account is taken of derogations accorded to certain Member States for certain measures.

WHITE PAPER ON THE COMPLETION OF THE INTERNAL MARKET

LIST OF DIRECTIVES/REGULATIONS/DECISIONS AND RECOMMENDATIONS
CONTAINED IN THE WHITE PAPER PROGRAMME
WHICH ARE ALREADY IN FORCE OR DUE TO ENTER INTO FORCE BY 31/12/1990

N.B.:

I	= Implementing measures notified
NI	= Not incorporated into national law
D	= Derogation from implementation date
IR	= Infringement procedure under way
SO	= Not applicable

Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
REMOVAL OF PHYSICAL BARRIERS - Control of goods - Various controls														
Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
REG 1674/87 Transit procedure simplification	1/07/88													directly applicable
REG 1797/86 Customs presentation charges (abolition)	1/01/88													directly applicable
REG 1900/85 SAD														directly applicable
REG 1901/85 SAD														directly applicable
REG 3690/86 TIR	1/07/87													directly applicable
REG 4060/89 Abolition of controls relating to transport (means and documents)	1/07/90													directly applicable
REG 4283/88 Banalisation	1/07/89													directly applicable

Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
REG 474/90 Transit advice note abolition of lodgement (amendment to Reg. 222/77)	1/07/90													directly applicable
DIR 85/347 Duty free fuel contained in fuel tanks of commercial motor vehicles	1/10/85	I	I	I	I	I	I	I	I	I	I	I	I	
REMOVAL OF PHYSICAL BARRIERS - Control of goods - Veterinary and phytosanitary controls														
Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
DIR 85/320 Swine fever	1/01/86	I	I	I	I	I	I	I	I	I	I	I	I	
DIR 85/321 Swine fever	1/01/86	I	I	I	I	I	I	I	I	I	I	IR	I	
DIR 85/322 Swine fever	1/01/86	I	I	I	I	I	I	IR	I	I	I	I	I	
DIR 85/323 Microbiological controls		I	NI	I	I	NI	NI	NI	I	NI	NI	I	NI	time for implementation not yet fixed
DIR 85/324 Microbiological controls		NI	NI	NI	I	NI	NI	I	NI	NI	NI	I	NI	time for implementation non yet fixed

Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
DIR 85/325 Medical examination of personnel	1/01/86	I	I	I	I	I	I	IR	I	I	I	I	I	
DIR 85/326 Medical examination of personnel	1/01/86	I	I	I	I	I	I	I	I	I	I	IR	I	
DIR 85/327 Medical examination of personnel	1/01/86	I	I	I	I	I	I	I	I	I	I	IR	I	
DIR 85/358 Hormone growth promoters	1/01/87	I	I	I	I	I	I	I	I	I	I	I	I	
DIR 85/397 Production and trade in milk	1/01/89	I	I	I	NI	I	I	I	I	I	I	I	I	E : partial implementation
DIR 85/511 Control of foot and mouth disease	1/01/87	I	I	I	I	I	I	I	I	I	I	I	I	
DIR 85/574 Amendment to Directive 77/93 (plant health)	1/01/87	I	I	I	I	I	I	I	I	I	I	I	I	
DIR 86/355 Amendment of Directive 79/117 (ethylene oxide)	1/07/87	I	I	I	I	I	I	SO	I	I	I	I	I	

Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
DIR 86/362 Pesticide residues in cereals and foodstuffs of animal origin	30/06/88	I	I	I	I	I	I	IR	I	I	I	I	I	
DIR 86/363 Pesticide residues in cereals and foodstuffs of animal origin	30/06/88	I	I	I	I	I	I	IR	I	I	I	IR	I	
DIR 86/469 Antibiotic residues - control of residues	31/12/88	I	I	I	I	I	I	I	I	I	I	I	I	
DEC 86/649 African fever in Portugal	16/12/86	SO	SO	SO	SO	SO	SO	SO	SO	SO	SO	I	SO	see art. 3
DEC 86/650 African swine fever in Spain	16/12/86	SO	SO	SO	I	SO	SO	SO	SO	SO	SO	SO	SO	see art. 3
DIR 87/153. Fixing of guidelines for additives used in animal foodstuffs	31/12/87	I	I	I	I	I	I	I	I	I	I	I	I	
DEC 87/230 Classical swine fever and swine fever	1/07/87													directly applicable
DEC 87/231 Classical swine fever and swine fever	31/12/87													directly applicable

Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
DIR 87/328 Purebred breeding animals of the bovine species	1/01/89	I	I	I	D	I	IR	I	IR	I	IR	I	I	E : derogation until 1.1.92
DIR 87/486 Classical swine fever and swine fever	31/12/87	I	I	I	I	I	IR	SO	I	I	I	I		
DIR 87/487 Classical swine fever and swine fever	22/09/87	I	NI	NI	I	I	I	NI	I	NI	I	NI		implementation not required
DIR 87/489 Classical swine fever and swine fever	31/12/88	IR	I	I	I	I	IR	I	I	I	I	I		
DIR 87/491 Amendment to Directive 80/215 : intra-Community trade in meat products	1/01/88	I	I	I	I	I	IR	I	I	I	I	I		
DEC 87/58 Eradication of tuberculosis, leukosis (bovine species)	22/12/86	I	I	SO	I	I	SO	SO	SO	SO	SO	I	SO	Implementation compulsory only for E & P. See art. 3.
DIR 88/146 Hormone growth promoters	1/01/88	I	I	I	I	I	I	I	I	I	I	I		
DIR 88/288 Amendment to Directive 64/433 : health problems intra-Community trade in fresh meat	1/01/89	IR	I	I	I	I	IR	I	I	I	I	I		

Measure	Impl. date	B	D	DK	E	F	E.	I	IRL	L	NL	P	UK	Remarks
DIR 88/289 Amendment to Dir. 72/462 : imports of bovine animals swine and fresh meat from third countries	1/01/89	IR	I	I	I	I	I	IR	I	I	I	I	I	
DIR 88/380 Certification of seeds	1/07/90	I	I	NI	I	NI	I	NI	NI	NI	NI	NI	I	implementation date : see art. 1
DIR 88/407 Imports of frozen semen of bovine animals	1/01/90	IR	I	I	I	I	IR	IR	IR	IR	I	I	IR	
DIR 88/572 Amendment to Directive 77/93 (plant health)	1/01/89	I	I	I	I	IR	IR	I	I	I	I	IR	I	
DIR 88/658 Intracommunity trade of meat products (modification of dir. 77/99)	1/07/90	NI	NI	I	NI	NI	D	NI	NI	NI	NI	I	NI	EL : derogation until 31/12/92
DIR 89/227 Imports of meat products from third countries	30/06/90	IR	IR	I	IR	IR	IR	IR	IR	IR	IR	IR	IR	
DIR 89/366 Seed potatoes (amendment to Dir. 64/403)	31/03/89							I						implementation not required
DIR 89/439 Protective measures concerning entry into Member States of organisms harmful to plants and plant products	1/01/90	I	I	I	I	IR	IR	IR	I	IR	I	IR	IR	

Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
DEC 90/217 African swine fever in Sardegna		SO	SO	SO	SO	SO	SO	NI	SO	SO	SO	SO	SO	I : a 5 year eradication plan to be submitted
DEC 90/242 Brucellosis (sheep and goats)		SO	SO	SO	NI	NI	NI	NI	SO	SO	SO	I	SO	E, F, EL, I, P : eradication plan to be submitted
DEC 90/424 Veterinary field expenditure	25/06/90													
DIR 90/425 Veterinary and zootechnical checks in intra-Community trade (live animals & products)	26/08/90													Implementation date : see Art. 10.
REMOVAL OF PHYSICAL BARRIERS · Control of individuals ·														
Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
DIR 88/331 Small consignments - exemption from VAT on the final importation of goods	1/01/89	I	I	I	I	I	I	IR	IR	I	I	I	I	
DIR 88/663 Tax reliefs - small consignments of a non-commercial character	1/10/85	I	I	I	I	I	I	IR	I	I	I	I	I	
DIR 88/664 Sixth Directive on allowances in intra-community travel (Dir. 69/169)	1/10/85	I	I	I	I	I	I	IR	I	I	I	I	I	

Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
DIR 89/604 Imports of personal property of individuals	1/07/90	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	

REMOVAL OF TECHNICAL BARRIERS
- Free movement of goods -
New approach in technical harmonization and standards

Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
DIR 87/404 Simple pressure vessels	1/07/90	I	NI	IR	IR	I	IR	IR	IR	IR	IR	IR	NI	

DIR 88/182 Amendment to Directive 83/189. Information procedures, etc.	1/01/89	I	I	I	I	I	I	IR	I	I	IR	I	I	
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DIR 88/378 Safety of toys	1/01/90	I	I	IR	I	I	I	IR	I	IR	IR	I	I	
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REMOVAL OF TECHNICAL BARRIERS
- Free movement of goods -
Motor vehicles

Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
DIR 87/358 Type approval of motor vehicles and their trailers (Modif. Dir. 70/156)	1/01/90	I	I	I	I	I	IP	I	I	I	I	I	I	

Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
DIR 88/297 Modification of framework Directive 74/150	30/10/89	I	I	I	I	I	I	I	I	I	I	I	I	
DIR 89/173 Implementation of Dir. 74/150, weight dimensions, etc.	31/12/89	I	I	I	I	I	I	I	I	I	I	I	I	
REMOVAL OF TECHNICAL BARRIERS - Free movement of goods - Food law														
Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
REG 1576/89 Spirit drinks	15/12/89	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	I	I	
DIR 85/573 Coffee and chicory extracts	1/01/87	I	I	I	I	I	I	I	I	I	I	I	I	01.07.88 commercialisation des produits non conformes à la présente dir.
DIR 85/585 Preservatives (modification)	31/12/86	I	I	I	I	I	I	I	I	I	I	I	I	
DIR 85/591 Sampling and methods of analysis	22/12/87	I	I	I	I	I	I	I	I	I	I	I	I	
DIR 86/102 Emulsifiers (modification)	26/03/88	I	NI	I	I	I	I	I	I	NI	I	I	I	

Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
DIR 89/398 Food for particular nutritional uses	16/05/90	IR	IR	I	IR	IR	IR	IR	IR	IR	IR	IR	NI	UK : partial implementation
REMOVAL OF TECHNICAL BARRIERS - Free movement of goods - Pharmaceuticals and high-technology medicines														
Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
REC 87/176 Tests relating to placing on the market of medical specialities														Implementation not required
DIR 87/19- Amendment to Dir. 73/318 - testing of medical specialities	1/07/87	I	I	I	IR	I	I	I	I	I	I	D	I	P: derogation until 1/1/91 - IT: basic pharmaceutical Dir not implemented (IR)
DIR 87/21 Amendment to Dir. 65/65 concerning medical specialities	1/07/87	I	I	I	D	I	D	I	I	I	I	D	I	E, EL & P : derogation until 1/1/92
DIR 87/22 Placing on the market of high-technology medicinal products including those derived from biotechnology		I	I	I	IR	I	I	I	I	I	I	I	I	
DIR 87/20 Amendment to Dir. 81/852 on veterinary medicinal products	1/07/87	I	I	I	I	I	I	IR	I	I	I	I	I	
DIR 89/105 Price transparency in the prices of medicines & social security refunds	31/12/89	I	I	I	I	I	I	NI	I	I	I	I	I	

Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
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REMOVAL OF TECHNICAL BARRIERS
- Free movement of goods -
Chemical products

Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
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DIR 85/467 PCB's (polychlorinated biphenyls)	30/06/86	I	I	I	I	I	I	I	I	I	I	I	I	
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DIR 85/610 Asbestos	31/12/87	I	I	I	I	I	I	I	I	I	I	I	I	
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DIR 86/94 Non-ionic detergents	31/12/89	I	I	I	I	I	I	IR	I	I	I	I	I	
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DIR 88/183 Liquid fertilisers	25/03/89	I	I	I	I	I	IR	IR	I	IR	I	I	I	
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DIR 89/284 Calcium, magnesium, sodium, sulphur content of fertilisers	16/04/90	I	I	IR	IR	IR	IR	IR	IR	IR	I	IR	IR	
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REMOVAL OF TECHNICAL BARRIERS
- Free movement of goods -
Construction and construction products

Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
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Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
DIR 87/405 Tower cranes : permissible sound levels	25/06/89	IR	I	I	I	I	IR	IR	I	I	I	I	I	B : measures to be taken by Wallonia
REMOVAL OF TECHNICAL BARRIERS - Free movement of goods - Other items														
Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
DIR 86/217 Tyre pressure gauge	30/11/87	I	I	I	I	I	I	I	I	I	I	I	I	B : implementation not complying with the directive
DIR 86/594 Household appliances - airborne noise	3/12/89	NI	I	I	I	I	NI	NI	NI	I	NI	I	I	
DIR 86/662 Hydraulic diggers (noise)	24/12/88	IR	I	I	I	I	IR	IR	I	IR	I	I	NI	UK : national implementation measures to be taken by N. Ireland
REC 86/666 Protection of hotels against fire		NI	I	I	I	I	NI	NI	I	NI	I	I	I	implementation non required
DIR 87/357 Products which, appearing to be other than they are, endanger the health or safety of consumers	26/06/89	I	I	IR	I	I	I	IR	IR	IR	I	I	I	
DIR 88/314 Indication of prices of non-foodstuffs	7/06/90	IR	I	I	IR	IR	IR	IR	IR	I	IR	I	IR	

Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
DIR 88/315 Indication of prices of foodstuffs	7/06/90	IR	I	I	IR	IR	IR	IR	IR	I	IR	I	IR	
DIR 88/320 Good laboratory practices : non clinical testing of chemicals	1/01/89	I	NI	I	IR	I	NI	NI	NI	I	I	I	I	
DIR 88/667 Cosmetics	31/12/89	IR	I	I	I	IR	I	IR	IR	I	IR	IR	I	P : partial implementation

REMOVAL OF TECHNICAL BARRIERS
- Public procurement -

Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
DIR 88/295 Public supply contracts (amendment to Dirs 77/62 & 80/767)	1/01/89	I	I	I	D	I	D	IR	I	I	IR	D	I	E,EL & P: derogation to 1/3/92.
DIR 89/440 Coordination of procedures for the award of public work contracts	19/07/90	I	I	I	D	I	D	NI	I	NI	NI	D	NI	E, EL & P : derogation until 1/3/92

REMOVAL OF TECHNICAL BARRIERS
- Labour and the professions -

Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
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Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
DEC 85/368 Comparability of vocational training qualifications														Implementation not required
DIR 85/432 Coordination of provisions in the field of pharmacy	1/10/87	I	I	I	I	I	I	IR	I	SO	I	I	I	
DIR 85/433 Mutual recognition of diplomas in pharmacy	1/10/87	IR	I	I	I	I	I	IR	I	IR	I	I	I	
DEC 85/434 Creation of an advisory committee on pharmaceutical training														implementation non required
DEC 86/365 COMETT														implementation not required
DIR 86/457 Specific training in general medical practice		I	I	I	I	I	I	IR	I	SO	I	I	I	Implementation date : see art. 1
DIR 86/653 Independent commercial agents	1/01/90	IR	I	I	IR	IR	IR	NI	D	IR	I	I	D	UK, IRL : derogation until 1/1/94
REMOVAL OF TECHNICAL BARRIERS - Common market for services - Banks														
Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks

Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
DIR 86/635 Bank accounts	31/12/90													
REC C 87/62 Control of large exposures		NI	NI	NI	NI	I	NI	NI	NI	NI	NI	I	NI	implementation not required
REC C 87/63 Guarantee system - deposits within Community		NI	NI	NI	NI	I	NI	NI	NI	NI	NI	NI	I	implementation not required
REMOVAL OF TECHNICAL BARRIERS - Common market for services - Insurance														
Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
DIR 87/343 Freedom provide life insurance	1/07/90	IR	I	I	IR	IR	IR	IR	IR	IR	I	IR	I	
DIR 87/344 Legal costs insurance	1/07/90	IR	NI	IR	IR	I	IR	IR	IR	IR	IR	IR	I	
DIR 88/357 Non-life insurance	29/06/90	IR	I	IR	IR	NI	IR	IR	IR	IR	IR	IR	I	F : partial implementation

Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
REG 3975/87 Application of competition rules to air transport	1/01/88	NI	NI	I	NI	NI	NI	NI	NI	NI	NI	I	I	Art. 11.6 : obligation to assist the Commission services
REG 4055/86 Maritime transport														directly applicable
REG 4056/86 Maritime transport	1/07/87	NI	NI	I	NI	NI	NI	NI	NI	NI	I	I	I	Art. 18.6: obligation to assist the Commission services
REG 4057/86 Maritime transport														directly applicable
REG 4058/86 Maritime transport														directly applicable
REG 4059/89 Road transport of goods	1/07/90	NI	NI	I	NI	NI	NI	NI	NI	NI	NI	I	I	
IR 87/601 Agreements for scheduled air services	31/12/87	IR	I	I	I	I	I	NI	I	IR	NI	I	I	Infringement procedures suspended.
<p>REMOVAL OF TECHNICAL BARRIERS - Common market for services - New technologies and services</p>														
Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks

Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
REC 87/371 Pan European mobile telephones														Gradual implementation from end 1987; Member States to report to the Commission
DIR 87/372 Pan European mobile telephones	25/12/88	IR	I	I	IR	I	I	I	I	I	I	I	I	
REC 87/598 European code of conduct relating to electronic payment														Implementation not required. This measure is addressed to enterprises.
DEC 88/524 Development of information services market	26/07/88													implementation not required

REMOVAL OF TECHNICAL BARRIERS
- Capital movements -

Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
DIR 88/361 Liberalisation of capital movements	1/07/90	I	I	I	D	I	D	I	D	I	I	D	I	E, EL, IRL, P : derogation for certain transactions until 31.12.92

REMOVAL OF TECHNICAL BARRIERS
- Industrial cooperation -
Company law

Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
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Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
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REMOVAL OF FISCAL BARRIERS - Excise duties -

Measure	Impl. date	B	D	DK	E	F	EL	I	IRL	L	NL	P	UK	Remarks
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DEC 88/245 Rum in French DOMs & metropolitan France														implementation not required
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COURT OF JUSTICE JUDGMENTS NOT YET COMPLIED WITH BY THE MEMBER STATES
 PROCEDURES UNDER WAY UNDER ARTICLE 171 OF THE TREATY
 Situation at 25 September 1990

MEMBER STATE	LEGAL BASIS	SUBJECT OF INFRINGEMENT
BELGIQUE	Dir. 82/891; 78/855 Case 90/399	Divisions and mergers of public limited liability companies
	EEC Treaty, Art. 7, 48, 128 Regulation 1612/68 Case 87/042	Discrimination in public financing; non-university higher education
	Dir. 82/714 Case 86/307	Technical requirements for inland waterway vessels
	Dir. 82/470 Case 86/283	Transport agents

	Dir. 82/121 Dir. 80/390 Dir. 79/279 Dir. 85/390	Securities Particulars for admission to stock exchange listing
	Dir. 76/403 Case 85/230	Elimination of polychlorobiphenyls and polychloroterphenyls
DEUTSCHLAND	EEC Treaty, Art. 30 Case 87/274	Difficulties in importing paté
	Dir. 69/169 Case 82/325	Butter ships - fiscal aspect
	EEC Treaty, Art. 30 Case 85/179	Bottling of "pétillant de raisin"

ELLAS	EEC Treaty, Art. 52, 59 Case 87/38	Nationality requirement to set up as architect, engineer, surveyor or lawyer
	Art. 52 Acte of Accession of Greece Case 84/194	Refusal to authorize transfer of funds to blocked accounts of residents of Member States
	Regulation 805/68 Case 85/124	Import of certain cuts of meat
	EEC Treaty, Art. 7, 48, 52, 59 Case 87/305	Legislation on frontier areas
	EEC Treaty, Art. 30 Case 84/176	Rules requiring beer to be malt-based

ITALIA	Dir. 77/388 Case 3/86	Flat-rate reimbursement to farmers
	Dir. 79/109 Case 86/116	Brucellosis
	Dir. 82/243 Dir. 82/242 Case 86/309	Non-ionic surfactants Anionic surfactants
	Regulation 1035/72; 2638/69; 2150/80 Case 85/68	Quality standards for fruits and vegetables
	EEC Treaty, Art. 95 Case 85/228	Differential taxation of sparkling wines

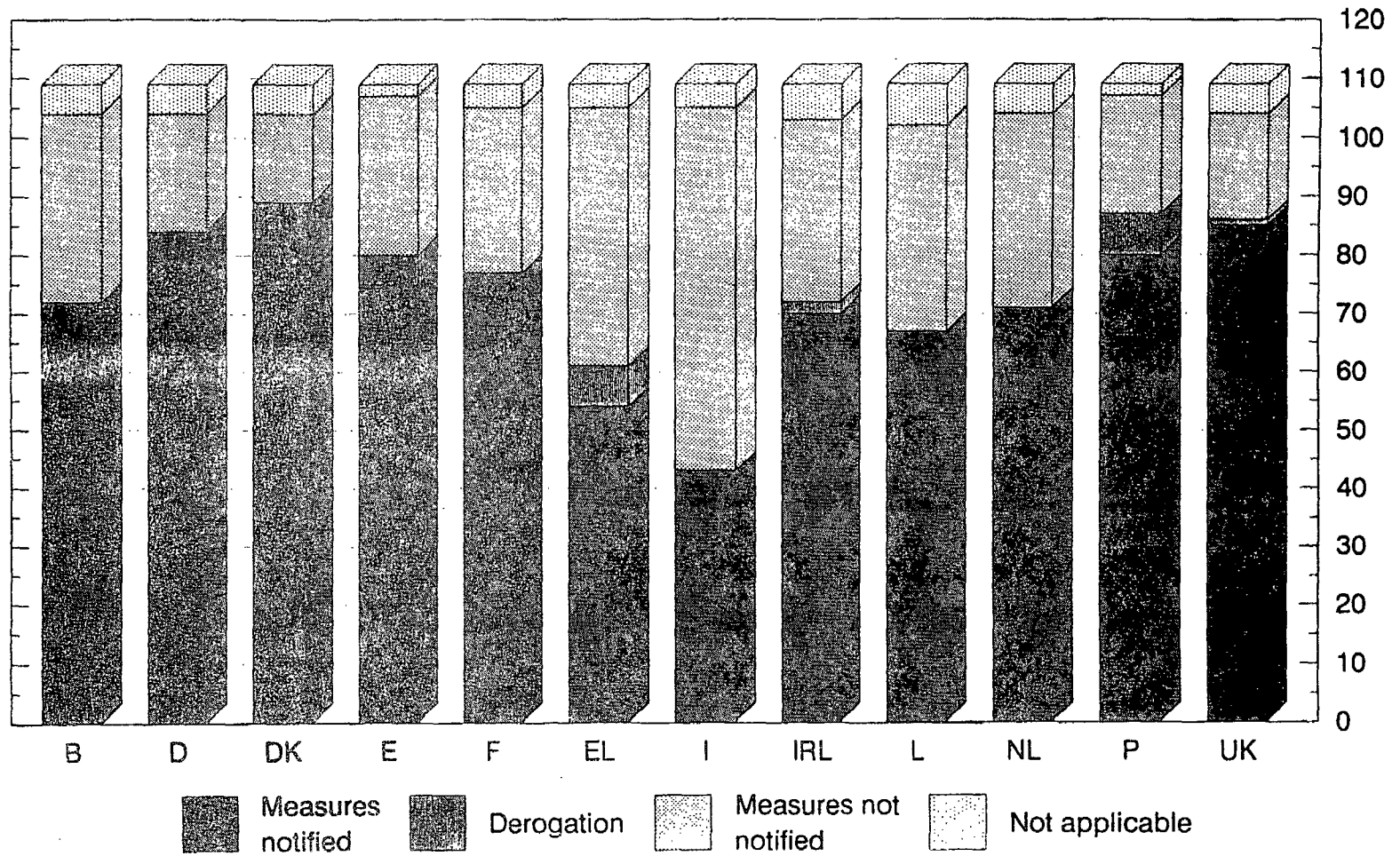
Dir. 83/643 EEC Treaty, Art. 9 and 12 Case 90/100	Charges for services during certain opening hours of customs offices
EEC Treaty, Art. 52, 59 Case 85/168	Nationality requirement (guides, journalists, pharmacists)
Dir. 83/181 Case 86/124	Tax allowances on final import of personal property
Dir. 83/181 Case 86/125	Exemption from VAT on final import of certain goods
EEC Treaty, Art. 95 Case 85/184	Taxation of bananas
Dir. 82/347 Dir. 81/177 Case 85/158	Procedures for the export of Community goods

 	Dir. 82/76 Case 86/049	Full-time and part-time training of specialist doctors	
 	Dir. 470/82 Case 86/310	Transport agents	
 	EEC Treaty, Art. 13 Case 86/104	Requirement for proof to be given preventing reimbursement of national charges having equivalent effect	
 	Dir. 660/78 Case 85/17	Annual accounts of companies	
 	Dir. 386/84 Case 87/353	Movable tangible property	

Dir. 77/388 Case 87/122	Exemption for services of veterinarians and blacksmiths
EEC Treaty, Art. 95 Dir. 77/388 Case 86/257	Import of medical samples
Dir. 77/796 Case 88/071	Recognition of formal qualifications of goods haulage operation and road passenger transport operation
Dir. 74/562 Dir. 561/74 Case 85/160	Admission to the occupation of road passenger transport operator Admission to the occupation
Art. 95 Case 87/323	Excise duty on rum

	NEDERLAND	Dir. 388/77	Case 85/235	Tax status of notaries and bailiffs
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Breakdown of situation by Member State



Breakdown of situation by Member State

	Measures notified	Derogation	Measures not notified	Not applicable
B	72	0	32	5
D	84	0	20	5
DK	89	0	15	5
E	75	5	27	2
F	77	0	28	4
EL	54	7	44	4
I	43	0	62	4
IRL	70	2	31	6
L	67	0	35	7
NL	71	0	33	5
P	80	7	20	2
UK	85	1	18	5

PROGRESS OF IMPLEMENTING MEASURES TAKEN BY THE MEMBER STATES from september 1989 until september 1990

