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Research Report

A chapter-by-chapter assessment of the conformity of the Romanian legislation with the Acquis Communautaire, at the level of the year 2002

Pre-Accession Impact Studies II, No. 1

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European Institute of Romania

Study no. 1

*A Chapter-by-Chapter Assessment of the Conformity of the Romanian legislation with the **Acquis Communautaire**, at the level of the year 2002*

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ABBREVIATIONS

ADS	State Domain Agency
AIP	Intervention and Payment Agency
CE	European Community
CECO/CECA	European Community for Coal and Steel
CEEA/Euratom	European Community for Atomic Energy
CEE	Economic European Community
CNVM	National Commission for Transferable Security
CVC	Community Custom Code
DADR	Agriculture and Rural Development Department
FEDER	European Fund for Regional Development
FEOGA	European Fund for Orientation and Agricultural Certification
FSE	European Social Fund
HG	Government Decision
IER	European Institute from Romania
IFOP	Financial Instrument for Fishing Policy
INS	National Institute for Statistics
ISCSMS	State Inspection for the Seeds and Planting Material Quality
ISCTV	State Inspection for the Win-Growing Technical Control
ISTIS	State Institute for Testing and Registration of the Breeds
JAI	Justice and Home Affaires
MAE	Foreign Affaires Ministry
MAI	Administration and Interior Ministry
MAPAM	Agriculture, Alimentation, Forests and Environment Ministry
MApN	National Defence Ministry
MEC	Economy and Trade Ministry
MEC	Education and Research Ministry
MFP	Public Finance Ministry
MIE	European Integration Ministry
MJ	Ministry of Justice
MO	Official Journal
MS	Health Ministry
NSTC	New System of Common Transit
OCP	Common Organization of the Market

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OG	Government Decision
OMAPAM	Agriculture, Alimentation, Forests and Environment Minister's Order
OMF	Public Finance Minister's Order
OMG	Genetic Modified Organism
ONCGC	Real Estate Register, Land Measurement and Mapping National Office
ONDOV	National Office for the Origin Denomination for Vines and other Win-Growing Products
ONVV	National Office for Grape-Vines and Vines
OUG	Urgency Ruling
PAC	Common Agricultural Policy
PAIS	Pre-Accession Impact Studies
PESC	Foreign Policy and Common Security
REACT	European Network for Counterfeiting
RICA	Agricultural Accounting Information Network
RNR	Romanian Navy Register
TAIEX	Technical Assistance Information Exchange
TARIC	Romanian Custom Tax Integrated to the Community Tax
TVC	Common Custom Tax
SEE	European Economic Space
UE	European Union
ZEE	Exclusive Economic Zone

O.	Others (notifications, recommendations, recommendation letters etc)
Av	Notification
Cap.	Chapter
Comp.	Concordance
De.	Resolution
Di.	Directive
Gr.	Degree
Măs.	Measure / measures
Nec	Unknown
no.	Number
Pg.	Page
Pt.	For
Re.	Recommendation
R.	Rules
TAIEX	Technical Assistance Information Exchange Office
Subcap.	Subchapter

INTRODUCTION

The European project PAIS II goes on between 2003 and 2004, the PAIS I (2002) project is a set of twelve studies oriented towards the process of integration of Romania into the European Union. Into the Appendix no. 1 there is a list of studies realised during the PAIS II project. The subjects of those studies were selected in order to offer an extra-base of information, analyze and negotiation to the interested decision factors. The first subject on this list is “*The estimation of the concordance degree of the Romanian legislation with the **community acquis**, at the level of the year 2002, for chapters of negotiations*”.

The Romanian adhesion to the European Union implies the analyse of some important judicial problems determined the amendment of the internal legislation, seeing that the judicial order of the European Union is superior to that of the member states and part of its stipulation can be enforced directly.

Taking into consideration the member states’ experience, Romania must adopt new judicial solutions or amendments in order to ensure the concordance between the Romanian and the community legislation. At the same time, we must create the conditions for the correct enforcement, in due time and without procedural difficulties, of the eventual amendments of the community legislation caused by the adoption of the Treaty Project establishing a Constitution for Europe and by the European enlargement. The eventual disparities must be solved, because Romania agreed to harmonize the current and the future legislation with the legislation of the European Community by signing the European Agreement establishing an association between Romania on the one hand and the European Communities and their member states on the other hand, ratified by Law no. 20/1993, the parties recognizing that this is an important condition of the Romania adhesion to the European Union. Thus the concordance of the Romanian legislation with the European one is a basic element of the Romania adhesion to the European Union, as, beside the strictly judicial aspect (derived from the European Association Agreement), the legislative concordance is one of the basic elements of the adhesion negotiations.

The main beneficiary of this study is the European Integration Ministry – and all the other ministries and state agencies, and the European Institute from Romania has a coordination role at the level of the entire project.

The estimation of the concordance degree of the Romanian legislation with the community *acquis*, is an extremely complex measure for which a serious analyse is needed, analyse based on a quantitative, qualitative and structural methods. The team of researchers studied the specialized literature, existing in the country and outside the country, official documents regarding the adhesion, worked up and analyze data and information put at their disposal by the experts from the ministries of chapters integration, experts with whom the team of researchers collaborated.

Following the debates with the representatives of the main beneficiary of the Study, the European Integration Ministry, it was established that the estimation of the concordance degree is done based on the following indicators: “transposition degree” și “compatibility degree” (determined in accordance with the *Methodology* elaborated by the members of the research team and endorsed by the European Integration Ministry, National Institute of Statistics – which had a remarkable contribution to the drawing up of the *Methodology*, and the European Institute from Romania).

The analyse of the existing data existing in *Progress Editor 12.80* (TAIEX – Technical Assistance Information Exchange Office, CD Database), imposed a complex procedure of emphasising the disparities or the nonrelevant situations, as well as the repeated meetings of *brain-storming* with the experts from the relevant ministries in order to make some clarifications and some amendments.

S U M M A R Y

1. The manner of working

The team that drew up the study is presented in the *Appendix no. 2*.

The drawing up, the adoption and the endorsement of the research *Methodology* supposed several meetings of the members of the team that elaborated the study – having a double purpose of agreeing upon the general and specific research *Methodology* and of communicating the information and the results for the drawing up of a coherent work, having an unitarian format.

The research included the elements of secondary research (especially office research: bibliographical research, CD and Internet) as well as primary research (especially field research: interviews, debates) The list of the consulted works (including the sites Web) is presented at the end of the work. The interviews and the debates were facilitated by the European Institute from Romania by drawing up the recommendation letters for the respective ministries/agencies, the initiation of the organization measures and not only. The letters of recommendation were accompanied by a short presentation of the project (Appendix no. 3)– having the role of familiarization of the interviewees and the participants with the objects of the project and the study structure.

The study takes into account the community *acquis* at the level of the year 2002 and the Romanian legislation at the level of February, 2004.

At the same time, we have to mention that finishing the study, Romania closed temporarily another two chapters of negotiations, namely Chapter 7 – the Agriculture and Chapter 29 – Financial and Budgetary Stipulations.

2. The analyse *Methodology* – presentation

The estimation of the concordance degree of the Romanian legislation with the community *acquis*, is an extremely complex measure for which a serious analyse is needed, analyse based on a quantitative, qualitative and structural methods. The team of researchers studied the specialized literature, existing in the country and outside the country, official documents regarding the adhesion, worked up and analyse data and information put at their disposal by the experts from the ministries of chapters integration, experts with whom the team of researchers collaborated.

The evaluation procedure proposed initially by the authors was subject to an iterative process of improving, following the practical applications and the debates with the experts. Thus, if the initial study was based on more simple formula of global estimation of the concordance degree of the all legislation, subsequently a difference between the various categories of community stipulations was necessary (regulations, directives, decisions, recommendation and others) with different coefficients of significations (Schedule no. 1).

Furthermore, based on the consultancy of the community legislation and the experts' opinion, we identified and eliminated the community documents that, although they are not part of the legislation, are not relevant or not applicable for the following reasons:

- They do not refer to Romania (for example, olives or citric fruits plantation, titanium industry etc);
- They are no longer valid or no longer have any effect before the adhesion date;
- They refer to a period prior to the Romania adhesion to the EU;
- Some of them are rules which can not be transposed directly, but some stipulations are taken over by the Romanian legislation in order to create the necessary conditions for their direct enforcement after the adhesion.

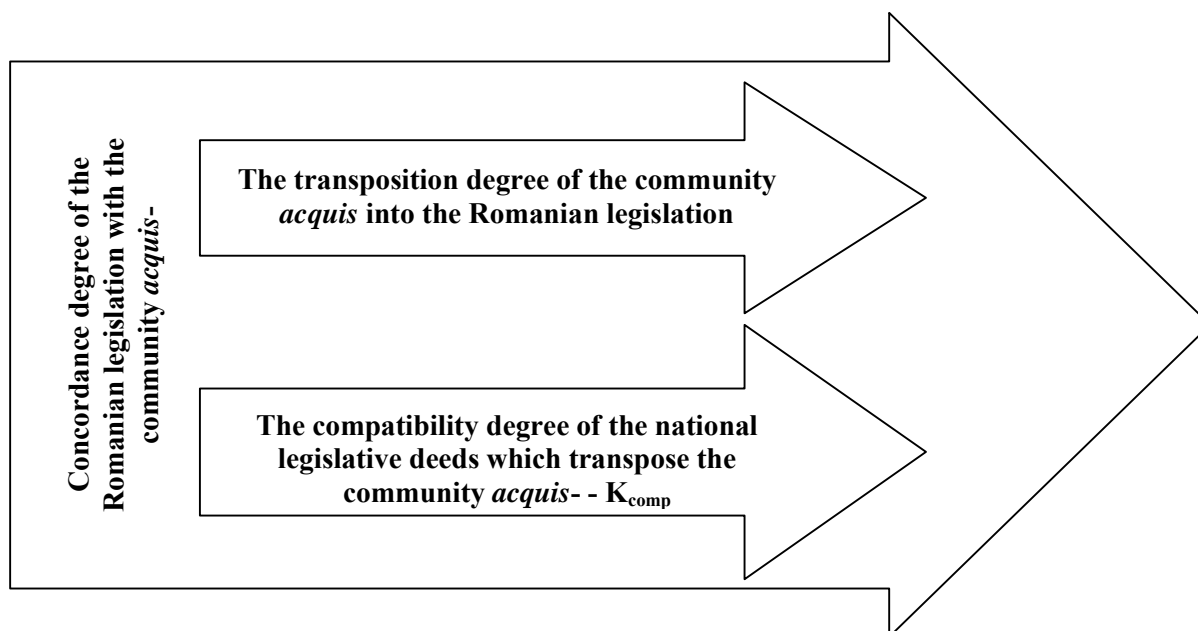
The analyse of the degree of taking over of some stipulations of the regulations into the Romanian legislation is realized in accordance with the *Methodology*, but independently to the other standards from the community *acquis*-ul, without being part of the estimation of the concordance degree.

The estimation of the compatibility degree of the Romanian legislation with the community legislation, as a step in determining the concordance degree, was the most difficult step. Beginning with the information from the *Progress Editor 12.80*, TAIEX (Technical Assistance Information Exchange Office. CD Database), recommended as a data base, we have accepted at the beginning the appreciation regarding the compatibility degree contained in the *Progress Editor 12.80*, namely: totally, partially and unknown, with the following coefficients:

- 1 for total compatibility;
- between 0 and 1 for partial compatibility and
- 0 for unknown compatibility.

Following the next step, the evaluations improved thanks to the consistent analyses of the content of the pieces of legislation and of the concordance schedules, as well as thanks to the experts' advise. So, a series of legislative deeds which are part from the category unknown compatibility, were part in the category of total or partial compatibility. The compatibility degree of the legislative deeds with unknown compatibility elaborated between 2000 and 2003 which, in accordance with Law no. 24/2000 and HG no. 555/2001 art. 8 and HG no. 734/2003, must be at least partial compatible with the community *acquis*, was elucidated. Thus, in accordance with HG no. 734/2003 „MIE obligatorily endorses, the drafts of the legislative deeds which have as purpose the harmonization of the national legislation with the community legislation”. Moreover, there is mentioned the obligation of those initiating drafts to mention the denomination of the harmonized community regulations, the disposition of the transposed ones as well as the future measures of implementation; there shall be clearly mentioned into a footnote the transposed community piece of legislation that was partially or totally taken over; the concordance schedule shall accompany the legislative deed during all the procedural steps, till its adoption by the Government”.

In order to estimate the degree of legislative concordance, we propose the *Schedule no. 1*.



Schedule no. 1 – The estimation manner of the legislative concordance

In estimating the transposability degree and the compatibility degree we used the signification coefficients from *Table no. 1*, corresponding to different types of community pieces of legislation (directives, decisions etc).

Following the discussion with the representatives of the European Integration Ministry, as the main beneficiary of the study, the coefficients of the transposition degree and of compatibility degree shall be calculated and analysed for each chapter and subchapter, the calculation of a generating coefficient is no longer necessary.

The transposition degree of the community *acquis*

The transposition of the community *acquis* into the Romanian legislation was done for each chapter and for each subchapter. In order to obtain a greater relevance of the results the community pieces of legislation were divided into three groups of signification to whom the coefficients from *Table no. 1* were attributed; the coefficients were endorsed by the experts of the European Integration Ministry.

Table no. 1

The community piece of legislation	Signification coefficient
Directives	1
Decisions	0.9
Other (notifications, recommendations, recommendation letters etc)	0,2

The degree of transposition of the community pieces of legislation was established following the next formula:

$$K_T = \frac{n_{DT} \times C_{SD} + n_{DzT} \times C_{SDz} + \dots}{n_D \times C_{SD} + n_{Dz} \times C_{SDz} + \dots} \times 100$$

Where: K_T –transposition degree; n_{DT} – number of transposed directives; n_D – total number of directives; C_{SD} – significance coefficient for the directives; n_{DzT} – number of the transposed decisions; n_{Dz} – total number of decisions; C_{SDz} – significance coefficient for the decisions.

The compatibility degree of the Romanian legislative deeds that transpose the community acquis.

Each piece of community legislation is transposed into one or more Romanian legislative deeds which can be totally or partially compatible with the community *acquis*. There still are Romanian legislative deeds for which we do not know the compatibility degree. In the calculation formula there were used compatibility coefficients for the Romanian legislative deeds – C_s from *Table no. 2*:

Table no. 2

Compatibility	Coefficient
Total	1
Partial	$0 < C_p < 1$
Incompatibility/ Unknown	0

The estimation of the compatibility degree was determined based on the next formula:

$$K_{comp} = \frac{M_t \times C_t + M_p \times C_p + M_{c/in} \times C_{c/in}}{M} \times 100$$

Where: K_{comp} – compatibility degree ; M_t – national legislative deeds compatible with the transposed community legislative deeds ; M_p – national legislative deeds partially compatible with the transposed community legislative deeds ; $M_{in/n}$ – national legislative deeds incompatible or having unknown compatibility ; M – national legislative deeds which transpose community legislative deeds ($M=M_t+M_p+M_{in/n}$) ; $C_t = 1$ for totally compatible legislative deeds ; C_p between 0 and 1 for partially compatible ; $C_{in/n} = 0$ for incompatible legislative deeds or having unknown compatibility.

The concordance degree of the Romanian legislation with the community *acquis*

The purpose of the estimation was to appreciate the concordance degree of the Romanian legislation with the community *acquis*. The concordance of the Romanian legislation with the community legislation is realized based on two major processes, namely: the process of transposition of the community legislation into the Romanian legislation and the compatibility process of the national legislative deeds which transpose the community *acquis* with the provisions of the community legislative deeds. That is why, the degree of concordance is appreciated based on the value of the two coefficients, namely: the coefficient of the transposition degree (K_t) and the coefficient of compatibility (K_{comp}).

3. The synthesis of the results obtained after the analyse

The negotiation process regarding the Romania adhesion to the European Union that began at 15th February 2000, had more steps of evolution. Thus, the first step was characterised by the temporal opening, respectively closing of a number of chapters considered “easy chapters”, because their

dimension or the *acquis* complexity did not caused special problems, ending with the opening of nine chapters, respectively with the temporal closing of 6 of them.

The second step, corresponding to the year 2001, reflected a new strategy of the process preparing the adhesion, because it focused on the global approach of the all chapters of negotiation, by drawing up the position documents for each chapter that was not opened, on the strategic and institutional adaptation to the demands of the negotiation process, by opening important chapters of preparing the functional structure of the market economy or by enclosing an extended *acquis*. During this step, Romania opened 8 new chapters, out of which 3 were temporarily closed.

The third step, developing during the year 2002, was characterised by the opening of the all chapters of negotiation and the temporal closing of 7 chapters, respectively the progress of the negotiation to a series of important chapters. Thus, at the end of 2002, Romania had opened the negotiations for all the 30th chapters, out of which 16 were temporarily closed. In the 2003, Romania focused on the temporally closing of the non budgetary chapters, the negotiation for the financial, environment, competition chapters which require a longer period of preparation should be closed in 2004.

Following the efforts of analysing *more than 90.000 pages of community acquis (out of which 20.000 are continuously amended) the analyse done based on the Methodology* elaborated by the team of researchers using the information from the *Progress Editor 12.80*, as well as taking into account the advise of the experts from the ministries for the integration of the chapters, the following **conclusions** were drawn:

1. ***The concordance degree of the Romanian legislation with the E.U legislation is higher than 73,4% (Table no. 3);***

Table no. 3

The concordance degree of the Romanian legislation with the community *acquis*

Specification	Transposition degree	Compatibility degree
Temporarily closed chapters	82.60%	78.60%
Opened chapters	68.33%	71.32%
Total	75.5%	75.0%

2. The concordance degree of the Romanian legislation with the community *acquis* is higher for the temporarily closed chapters, compared to the opened chapters, which are still negotiated ;
3. The transposition degree varies at the temporarily closed chapters between 57% (Chap. 27 - PESC) and 100% (Chap. 4 – The free circulation of the capital, Chap. 15 – Industrial policies, Chap. 17 – Science and research, Chap. 20 – Culture and media and Chap. 28 – Financial control);
4. The compatibility degree varies between 50% (Chap . 15 – Industrial policies) and 100% (Chap. 17 - Science and research, Chap. 23 – The consumers and the health protection, Chap. 27 - PESC);
5. The transposition degree to 15 temporarily closed chapters is over than 80%, out of which 9 chapters have a transposition degree higher than 90%. The smallest transposition degree is to be

found in the Chapter 27 - PESC.¹ And the higher at the Chapter 2 – The free circulation of persons (*Table no. 4*);

Table no. 4

The transposition degree of the community *acquis* for the temporarily closed chapters

Transposition degree	Chapter
• Between 50 and 60%	Chap. 27 - PESC
• Between 60 and 80%	Chap. 1 – The free circulation of goods Chap. 9 – The Policy in the transport field Chap. 23 - The protection of the consumers and of public health
• Between 80 and 90%	Chap. 11 – The economic and monetary Union Chap. 12 - Statistics Chap. 16 – Medium and small size companies Chap. 18 – Education, profession training and youth Chap. 19 – Telecommunications and the information technology Chap. 25 – The Custom Union
• More than 90%	Chap. 2 – The free circulation of persons Chap. 4 - The free circulation of capitals Chap. 5 – The right of the commercial companies Chap. 10 – Taxation Chap. 13 – Social and occupational policy Chap. 15 – Industrial policy Chap. 17 – Science and research Chap. 20 – Culture and media Chap. 28 – Financial control

6. The transposition degree for 4 opened chapters which are still negotiated is higher than 60%. From this point of view, the Chapter 3 occupies the best position – The free circulation of the services, having a transposition degree higher than 80%, while Chapters 14 – The energy, 7 – The agriculture and 21 – The regional policy have a transposition smaller degree, between 50-60%, being one of the future priorities (*Table no. 5*).

Table no. 5

The transposition degree of the community *acquis* to the opened chapters which are still negotiated

Transposition degree	Chapter
• Between 50 and 60%	Chap. 7 - Agriculture Chap. 14 - Energy
• Between 60 and 80%	Chap. 6 – Competition and state assistance Chap. 22 – Environment protection Chap. 24 – Justice and home affairs
• More than 80 %	Chap. 3 – Free circulation of services

¹ Specificitatea Cap. 27 – PESC, și anume faptul că numeroase acte comunitare sunt recomandări, determină un grad de transpunere mai redus în comparație cu alte capitole de negociere. În schimb, dispozițiile regulamentelor sunt preluate în legislația internă în proporție de 100%.

7. **The compatibility degree for half of the temporarily closed chapters (15) is higher than 80%, and to 8 of them is higher than 90%.** At the chapters 14 – Industrial policies, chapter 25 – the custom union and chapter 8 – Fishing, the legislation that transposed the community *acquis* has a compatibility degree between 50-60%, needing more serious future harmonisations (*Table no. 6*);

Table no. 6

The compatibility degree of the Romanian legislation with the community *acquis* for the temporarily closed chapters

Compatibility degree	Chapter
<ul style="list-style-type: none"> Between 50 and 60% 	Chap. 8 - Fishing Chap. 14 - Industrial policies Chap. 25 – Custom Union
<ul style="list-style-type: none"> Between 60 and 80% 	Chap. 2 - Free circulation of persons Chap. 11 – Monetary and economic Union
<ul style="list-style-type: none"> Between 80 and 90% 	Chap. 1 - Free circulation of goods Chap. 4 - Free circulation of capitals Chap. 9 – Policy in the transport field Chap. 12 - Statistics Chap. 18 - Education, professional training and youth Chap. 19 - Telecommunications and the information technology Chap. 28 - Financial control
<ul style="list-style-type: none"> More than 90% 	Chap. 5 - The right of the commercial companies Chap. 10 – Taxation Chap. 13 - Social and occupational policy Chap. 16 - Medium and small size companies Chap. 17 - Science and research Chap. 20 - Culture and media Chap. 23 - The protection of the consumers and of public health Chap. 27 - PESC

8. The compatibility degree to the opened chapters is, in most of the cases, between 60-80%. Chapter 3 - Free circulation of services is higher than the medium level (*Table no. 7*);

Table no. 7

The compatibility degree of the Romanian legislation with the community *acquis* for the opened chapter which are still negotiated

Compatibility degree	Chapter
<ul style="list-style-type: none"> Between 60 and 80% 	Chap. 6 - Competition and state assistance Chap. 7 - Agriculture Chap. 14 - Energy Chap. 22 - Environment protection Chap. 24 - Justice and home affairs
<ul style="list-style-type: none"> More than 80 % 	Chap. 3 - Free circulation of services

NOTE:

1. Taking into account the specific character of Chap. 26 – Foreign Relation, namely: the concordance of the Romanian legislation with the community *acquis* which means the compatibility of the commercial agreements closed with a third state, to which Romania takes part, the concordance degree of the Romanian legislation with the community *acquis* can not be calculated in numbers or in percents.
2. Because of the particular character of the Chap. 29 – Financial and budgetary stipulation, namely that the community legislative deeds do not need a transposition, as well as the connexion between the current chapter and other chapters of negotiations (and more specific chapters regarding the agriculture, the taxation, the statistics, the regional policy and the coordination of the structural instruments, the economic and the monetary Union, foreign relations and the financial control), the compatibility degree of the Romanian legislation with the community *acquis* in the domain can not be calculated.
3. Taking into consideration the purpose of the Chap. 30 – Institutions (assuring the representation and the efficient and equilibrated adhesion of Romania to the institutional architecture of the EU), the concordance with the community *acquis* do not impose to a pre adhesion Romania neither a legislative coordination nor enforced measures). As a new member state, Romania shall exercise its rights by taking part to the EU institutions. As a consequence, for this chapter, the calculation of some quantitative coefficients is not relevant (as a matter of fact *Progress Editor 12.80* do not refer to this chapter).
4. The methodology proposed for the analysis of the transposition degree for EU *acquis* cannot be applied in the case of 21 Chapter – Regional Policy and Structural Instruments, taking into consideration the specific of this particular domain, the *acquis* being mainly composed by regulations that are directly applicable into Romanian legislation in the accession moment.

4. Problems regarding the estimation of the concordance degree for chapters of negotiations

When drawing up the research project regarding the estimation of the concordance degree for chapters of negotiations, the team of researchers faced the following problems:

1. The non existence of a previous experience and of a quantification *Methodology* of the concordance degree of the Romanian legislation with the community *acquis* imposed a pioneer's work for the drawing up of a *Methodology* agreed by the main beneficiary (European Integration Ministry, but also the European Institute from Romania and the National Institute of Statistics). The National Institute of Statistics offered to the authors specialised consultancy all along the process towards an improved *Methodology*;
2. The quantitative estimations were followed by qualitative estimations of the information contained into the *Progress Editor 12.80*. Based on the analyse of the data quality a series of recommendations for improving the informational content of *Progress Editor 12.80* were made. These recommendations refer to:
 - i. The identification of the community legislative deeds which are no longer valid;

- ii. The identification of the community legislative deeds which are not relevant for Romania;
3. Specifying the compatibility degree of the Romanian legislation which transposed the community *acquis*-ul, but which had an unknown compatibility into the *Progress Editor 12.80*. Based on the discussions with the representatives of the ministries for the integration, the report of information for *Progress Editor 12.80* was substantially improved ;
4. The staff from the ministries is not sufficient for the work volume needed in order to follow the transposition of the community *acquis*.

Table no. 8

The synthesis of the temporarily closed chapters

TEMPORARILY CLOSED CHAPTERS	Total community legislative deeds	Relevant community legislative deeds				Transposition degree %	Compatibility degree %
		R.	Di.	De.	O.		
1. Free circulation of goods	596	28	285	141	5	79.50	83.90
2. Free circulation of persons	136	9	28	4	-	93.70	70.70
4. Free circulation of capitals	9	-	5	-	2	100.00	85.70
5. The right of the commercial companies	32	9	19	4	-	90.00	92.00
8. Fishing	420	84	-	9	1	-	55.00
9. Policy in the transport field	184	65	67	26	6	70.80	84.10
10. Taxation	187	4	49	2	1	90.10	91.10
11. Economic and monetary Union	95	14	-	11	18	82.20	60.40
12. Statistics	230	117	13	74	-	86.40	87.60
13. Social and occupational policy	157	11	52	17	-	94.20	94.20
15. Industrial policies	14	-	-	2	-	100.00	50.00
16. Medium and small size companies	11	-	-	7	1	83.10	90.10
17. Science and research	72	3	-	27	6	100.00	100.00
18. Education, professional training and youth	58	4	1	26	2	84.50	81.50
19. Telecommunications and the information technology	44	1	12	-	-	83.30	90.00
20. Culture and media	15	-	2	4	1	100.00	92.80
23. The protection of the consumers and of public health	21	-	16	5	-	72.00	100.00
25. Custom union	209	130	-	61	-	84.90	51.00
26. Foreign relations	-	-	-	-	-	-	-
27. PESC	348	20	-	36	54	57.00	100.00
28. Financial control	13	5	2	-	-	100.00	90.00
30. Institutions	-	-	-	-	-	-	-
TOTAL FOR THE TEMPORARILY CLOSED CHAPTERS	2851	504	551	456	97	82.60	78.60

Table no. 9

The synthesis of the opened chapters

OPENED CHAPTERS WHICH ARE STILL NEGOTIATED	Total community legislative deeds	Relevant community legislative deeds				Transposition degree	Compatibility degree
		R.	Di.	De.	O.	%	%
3. Free circulation of services	120	2	101	17	-	86.10	86.90
6. Competition and state assistance	102	52	3	16	31	65.00	77.50
7. Agriculture	3122					55.00	63.50
14. Energy	193	18	29	69	14	53.20	72.20
22. Environment protection	303	40	83	102	16	79.60	62.00
24. Justice and home affaires	287	13	3	65	193	71.10	65.80
29. Financial and budgetary stipulations	42	2	-	1	-	-	-
TOTAL OPENED CHAPTERS WHICH ARE STILL NEGOTIATED	4169	127	219	270	254	68.33%	71.32%

Table no. 10

The synthesis of all the chapters of negotiation

30 chapters of negotiation	Total community legislative deeds	Relevant community legislative deeds				Transposition degree	Compatibility degree
		R.	Di.	De.	O.	%	%
TOTAL OF CHAPTERS	7020	631	770	726	351	75.5%	75.0%

5. Proposals based on this project

1. The continuation of the study with the estimation of the enforcement degree of the community *acquis* into Romania;
2. The organisation of some activities of training the specialists from the integration ministries and not only;
3. The estimation of the priorities for ministries and domains of interest;
4. The periodical (eventual semestrial) drawing up of some evaluations, based on the *Methodology* used during this study by the integration ministries and not only.

CHAPTER 1 – FREE MOVEMENT OF GOODS

The negotiations for this chapter were opened during the Romania - EU Accession Conference held on March 21st, 2002, being temporary closed during the Romania - EU Accession Conference held on June 2nd, 2003. The integrating authority for this chapter is the Ministry of Economy and Commerce.

The principle of the mutual recognition plays an important role in the settlement of the chapter „Free movement of the goods” by the Community legislation. Through the position documents Romania took the engagement of accepting and transposing the Community *Acquis* corresponding to this chapter without transitional periods or derogations. The adoption of the Community *Acquis* will be completely until the accession date. The Romanian statement implies steady engagements in what concerns the *Acquis* adopted after December 31st, 2000. The Government has to systematically inform the Accession Conference or the Association Council with regard to the legislation, the implementation measures adopted and to the possible difficulties which could be generated by the introduction of the new *Acquis* in this domain¹.

The transposition level of the *Acquis* is high for the electrical equipments (fully transposed), other groups of products (building materials, lifts and parts for the lifts, textiles, payment delay control for the commercial transactions) or dangerous chemical substances (the progresses made in the adoption of the implementing legislation regarding drugs are notable). The efforts must be concentrated on horizontal and procedural measures, toys and other measures.

Table no. 1.1

The transposition level chapter 1: „Free Movement of goods”

Subtitles	Compatibility
Motor vehicles	90.1%
Foodstuffs	74.1%
Chemical products	85.1%
Medicines	89.9%
Cosmetics	100.0%
Metrology	99.2%
Electrical equipments	100.0%
Telecommunication	40.5%
Toys	35.7%
Other goods	94.6%
Horizontal and procedural measures	51.4%
Other measures	68.0%
TOTAL	82.3%

In what concerns the **compatibility level** of the national measures which transpose the Community legislation, this **has a high** level too – 83.9 % (*Table no. 1.2*).

The national measures for cosmetics, electrical equipments, telecommunications and other measures are **full compatible** with the Community legislation. The measures regarding the motor vehicles, metrology or chemical products have also a high level compatibility also. Constantly efforts must be made in the following period for the adoption of compatible measures for toys and foodstuffs. We

consider that the high compatibility level of the national measures justify the closing of the negotiations for this chapter.

Table no. 1.2

The compatibility level Chapter 1 „Free movement of goods”

Subtitles	Compatibility
Motor vehicles	99,5%
Foodstuffs	68,8%
Chemical products	72,2%
Medicines	76,3%
Cosmetics	100,0%
Metrology	83,7%
Electrical equipments	100,0%
Telecommunication	61,9%
Toys	100,0%
Other goods	88,4%
Horizontal and procedural measures	100,0%
Other measures	70,8%
TOTAL	83,9%

The **transposition level** of the Community *Acquis* for foodstuffs is **relatively high - 75%**. The transposition of the Community *Acquis* is full for the labelling of the products, alimentary solvents, fast frozen foodstuffs and mineral waters. A high transposition level exists for diet foodstuffs and packaging materials for foodstuffs. During the following period, the efforts must be concentrated on the transposition of the *Acquis* with regard to the official control and hygiene of the foodstuffs, new alimentary ingredients and foodstuffs, foodstuffs contaminants, scientifically examination, the set up of an authority in the field.

The compatibility of the national measures adopted in the foodstuffs case is quite high. The national measures which refer to the fast frozen foodstuffs and the foodstuffs treated with ionized radiations have full compatibility with the Community legislation. A high compatibility exists in the case of the national measures for foodstuffs contaminants, flavours and the packaging materials. A low compatibility shows the measures referring to mineral waters, foodstuffs control and hygiene, new alimentary ingredients and foodstuffs or the authority for the foodstuffs safety. The Community measures corresponding to this chapter totalize 28 regulations, 15th of which have been taken over by the Romanian legislation (see *Table no. 1.3*).

The **adoption level is relatively high** in the medicines case (the regulation no. 297/95 regarding taxes which must be paid to the European Agency for the Assessment of the Pharmaceutical Products, regulation no. 540/95 regarding the reporting of suspicious adverse reactions on medicines meant for human and veterinarian use, regulation no. 541/95 regarding the commercialization authorization for medicines issued by qualified authorities from member states together with all regulations which amend it, regulation no. 2377/90 which establishes the maximum limit of the residua in products and foodstuffs for veterinarian usage) and of the foodstuffs (regulation no. 315/93 and 194/97 with regard to contaminants from foodstuffs, regulation no. 1139/98 and 50/2000 regarding the mentioning in the foodstuff label of the genetic modified components, regulation no. 178/2002 with regard to the set up of the European authority for foodstuff safety).

Table no. 2.3

The taking over level of the regulations Chapter 1 „Free movement of goods”

Group of products	Total Measures	Regulations					
		Total		Adopted		Irrelevant	
		No.	%	No.	%	No.	%
Foodstuffs	92	12	13,0	6	50,0	0	0,0
Chemical products	28	1	3,6	0	0,0	0	0,0
Medicines	32	12	37,5	8	66,7	0	0,0
Other measures	35	3	8,6	1	33,3	0	0,
TOTAL	596	28	4,7	15	53,6	0	0,0

Taking into consideration the number of the measures which need to be harmonized the chapter concerning „The free movement of goods” is an important one in the integration process equation. From a total of 596 Community measures which exist in this chapter, according to the analysis made, Romania has transposed up till now 471. From all the measures, a small number represents regulations (5%) which will automatically be taken over in the accession moment, the rest of the measures being directives (48%) and decisions (44%). Romania has already translated 429 measures and 130 have been reviewed from the total measures included in this chapter.

Table no. 1.4

The synthesis for Chapter 1: „Free movement of goods”**Chapter 1: “Free movement of goods”**

Transposition level	82,3%
Compatibility level	83,93%
Adoption level of the regulations	53,57%

The transposition level shows that 4/5 from the legislation in the field is already transposed through national measures with a high compatibility and harmonization level.

CHAPTER 2 – FREEDOM OF MOVEMENT OF PERSONS

The negotiations for this chapter were opened during the Intergovernmental Accession Conference held on March 21st, 2002 and were temporary closed during the Romania - EU Accession Conference held on December 9th, 2003. The integrator institution of this chapter is the Ministry of Labor, Social Solidarity and Family. The essence of this freedom consists on the abolition of all discriminations between the citizens of a member state and a non – resident person coming from another member and decide to activate on this country. These discriminations refer to entrance, study, movement, work, hiring or remuneration.

The freedom of movement of persons in the community space - one of the fundamental freedoms of the European integration - can be obtained by assuring such a non-discriminatory regime. Romania accepts the entirely Community *Acquis* of the chapter 2: „Freedom of movement of persons” which was into force on December 31st, 2002. Romania does not request a transitional period nor other derogations and declares that will be able to entirely apply, on the accession, this *Acquis*. Romania has set the January 1st, 2007 date as an one-side engagement to end accession preparing to the EU for this chapter.

EU requested all candidates, including Romania, a transitional period of 2 to 7 years for the Freedom of movement of workers, after accession. The Community measures which regulate the Freedom of movement of persons concern: mutual recognition of the professional qualification, lawyers, architects, doctors and paramedical activities, citizen rights, Freedom of movement of workers, social coordination and security, migration. Community measures regarding lawyers and migration are entirely translated at this moment, a high translation level have the measures regarding doctors and paramedical activities, citizens rights, Freedom of movement of workers, social coordination and security, migration.

The UE measures regarding mutual recognition of qualification, lawyers, architects, medical activities, social coordination and migration have a **full transposition level** (*Table no. 2.1*). Notable efforts have been made to transpose the citizen rights measures. Efforts should be further concentrated on the freedom of movement of workers (we should notice that in this case it is about secondary legislation (decisions) not primary (directives) that should be transposed).

Table no. 2.1

Transposition level for chapter 2 „Freedom of movement of persons”

Freedom of movement of persons	Transposition
Mutual recognition of qualification	100.0%
Lawyers	100.0%
Architects	100.0%
Medical and paramedical activities	100.0%
Citizens rights	85.7%
Freedom of movement of workers	74.4%
Migration	100.0%
Social coordination and security	100.0%
Total measures	93.7%

The national measures regarding mutual recognition of qualification and lawyers have the **highest compatibility level**. The national measures which transpose the Community measures regarding medical activities and the freedom of movement of workers have also a high level of compatibility. Efforts should be further concentrated on: citizen rights, social coordination and security and especially migration (*Table no. 2.3*).

Table no. 2.3

The compatibility level for chapter 2 :” Freedom of movement of persons”

Freedom of movement of persons	Compatibility
Mutual recognition of qualification	91.7%
Lawyers	80.0%
Architects	75.0%
Doctors and para-doctors	69.6%
Citizens rights	62.2%
Freedom of movement of workers	78.6%
Migration	50.0%
Social coordination and security	56.3%
Total measures	70.7%

The major part of the chapter’s regulations (6 of the 8 regulations) has already been taking over by the Romanian legislation. The taking over level of the regulations through national measures is completely in the case of the Freedom of movement of the labor force (Regulation no 1612/68 with regard to the Freedom of movement of the labor force, regulation no. 2434/92 which amends the above mentioned

regulation, regulation no. 1251/70 which settles the residential right in a country for the persons which are legally hired there) and high for the social coordination and security (regulation no. 1408/71, 574/72 and 1606/98 with regard to social assistance for workers which change their residence inside EU).

Table no. 2.4

The taking over level for regulations Chapter 2 „Freedom of movement of persons”

Freedom of movement of persons	Total measures	Regulations					
		Total		Adopted		Not relevant	
		No.	%	No.	%	No.	%
Citizens rights	8	1	0,0	0	0,0	0	0,0
Workers	13	3	0,0	3	100,0	0	0,0
Social coordination	83	4	0,0	3	75,0	0	0,0
Total measures	136	8	5,9	6	75,0	0	0,0

Though the Community measures are reduced, this chapter has a vital position among the four fundamental freedoms on which the integration process is based, especially for the importance it has to Romania. According to the analysis made this chapter has a total of 136 Community measures 55 of which have been transposed by Romania at this moment. From these measures, a small number are regulations (6%). They will be automatically taken over in the accession moment, the rest are directives (24%) and decisions (70%). 118 measures have been translated and 32 of the translated measures have been reviewed.

Table no. 2.5

The synthesis for Chapter 2 „Freedom of movement of persons”

Chapter 2: “ Freedom of movement of persons”

Transposition level	93.67%
Compatibility level	70.73%
Taking over level of the regulations	77.78%

In the above mentioned table, figures proves a high transposition and compatibility level which emphasize the steady and real engagement taken by Romania with regard to the harmonization of the national legislation with the one of the Community for this sensitive domain and justifies the temporary closure of this chapter.

CHAPTER 3 – FREEDOM TO PROVIDE SERVICES

Through the position documents Romania accepted the Community *Acquis* referring to „Freedom to provide services” which was into force on December 31st, 2000. Romania took the engagement of adopting all the measures included in this chapter except for the compensation schemes for investors (a derogation of 5 years has been asked). The integrator authorities for this chapter are the Ministry of Public Finance for financial services and National Agency for Small and Medium Enterprises and Cooperation for non-financial services. This chapter is still opened to negotiations.

The measures corresponding to this chapter are structured as follows: principles and general conditions (includes several measures regarding the freedom of providing services in the member states, the safety of the data transfer, the residential right), financial services (banking and financial sectors - banking activity and other credit institutions, the insurance companies activity, stock exchange activity,

financial investments on capital an money markets), non-financial services (agricultural services, tourism activities, transportation, telecommunications) and measures which refer to information society (electronic commerce, technical standards, legal protection of services).

The highest **transposition level** applies for the insuring sector, the rest of the sectors needing sustained transposition efforts. The results in the banking sector are notable (a series of measures regarding minimum capital for foreign banks and their subsidiaries, transactions made using electronically payment instruments, mergers and credit cooperatives divisions have been adopted). The insurance area (increasing authority of the Surveillance Insurance Commission, third party insurance for motor vehicles, drawing up the conditions for annual financial reporting) as well as capital market and financial system areas have also made important progresses (consolidating the capital market surveillance institution, implementing the legislation referring to public tenders, the authorization and functioning of the companies which provide financial investment services, the settlement of the Romanian commodities exchange and of the transactions made with secondary financial instruments).

There were initiated important steps towards the protection of personal data and their free movement, regulations of the electronic commerce (issuing of electronic currency, electronic payments and insurances). Starting with 2003 Romania has completely liberalized its capital account eliminating last restrictions from the way of the financial flows (the restrictions regarding the foreign investments of the non-residents have been postponed because of the unbalance of the external balance of payments)

Table no. 3.1

The transposition level for Chapter 3 „Free to provide services”

Freedom to provide services	Transposition
Principles and conditions	100.0%
Financial services	93.0%
Non – financial services	76.9%
Informational society	100.0%
Total measures	86.06%

As far as the **compatibility** of national measures which transpose the *acquis* of this chapter is concerned we see that principles and general conditions as well as informational society have a high compatibility level. Specific measures have to be made to approach the Community legislation financial and non-financial services area as soon as possible.

Table no. 3.2

The compatibility level for Chapter 3: „Free movement of services”

Free movement of services	Compatibility
Principles and conditions	90.6%
Financial services	85.7%
Non – financial services	76.9%
Informational society	75.0%
Total measures	86.9%

In the financial services area, Romania made in the first semester of 2004 the correction to the regulations of the National Bank of Romania regarding the banks and other credit institutions own funds, the settlement of the regulations regarding the bankruptcy procedure for credit institutions (including judiciary reorganization) by transposing the entire legislation with regard to financial guarantee, applying the regulations regarding the cross-border capital movement. The National bank established through specific standards the minimum level of social capital and own funds of an

institution which will issue electronically currency and will have to clearly settle the consolidated surveillance procedures for solvability, high exposures and own funds of the credit institutions.

Regarding the legislation related to a National Fund for Credit Guaranties System, Romania made important modifications to its national measures and the entire legislation in this particular field is now full transposed and compatible. In 2004 was adopted the Law No. 122 regarding the modifications to the Government Decision no 97/2000 regarding credit institutions. In addition it was adopted a new law that creates and implements a Fund for Money Deposits Guaranties. Important steps must be made for the transposition of the *acquis* in the field of capital market and improving the institutional framework in the field of insurance activities. Improvements can be noticed in the legislation concerning money laundering (the National Office for Prevention and Control of Money Laundering is fully operational).

Romania took a steady engagement to identify and eliminate all barriers which, on a local level, prevent the possibility of providing services or residential right. In this way, it was examined the Romanian legislation issued in this field through the decision given by the European Court of Justice regarding the cases that didn't respect the provisions of the Articles 43 and 49 of UE Treaty. Following this efforts, it was identified a number of 10 national measures in the financial sector and 45 national measures in non-financial sector that should be reviewed during the next period, in order to ensure the complete elimination of the barriers in the way of freedom to provide services. To realize that Romania communicated to European Commission in November 2003 a list of national measures with high priority, establishing an precisely schedule and dead-lines for the institutions involved.

Essential for the fulfillment of the 4 fundamental freedoms which represent the base for the integration process is the adoption of the *Acquis* corresponding to this chapter. From a total of 122 measures Romania has to transpose 119. From those measures 102 measures have been transposed so far.

62 measures of this chapter have been translated and 26 reviewed.

Most of the community measures are directives (82%) and decisions (16%).

Table no. 3.3

The synthesis of Chapter 3 „Freedom to provide services”

Chapter 3 : “Freedom to provide services”

Transposition level	86.0%
Compatibility level	86.9%
Taking over level of the regulations	0.0%

The harmonization level for this chapter has constantly been improved, but important efforts need to further be made in all sectors. Moreover the efforts must be concentrated on the reinforcement of the administrative capacity and surveillance (especially in field of insurance services and capital market institutions).

CHAPTER 4 – FREE MOVEMENT OF CAPITAL

In accordance with the Romania's Position Paper, Romania fully accepts the *acquis communautaire* in force at 31st December 2001 and will provide the necessary measures for the effective implementation of it by the time of the accession to the European Union.

In accordance with the effected analysis, the conclusion is that, for this chapter, there have been passed 9 EU rules, 7 of which are relevant: 5 directives and 2 other adjustments.

Our calculations show that: the degree of transposition is 100%, and the degree of compatibility with the *acquis communautaire* is 85.7% (see *Table no. 4.1* and *Appendix no. 7*).

The coefficient referred to for the calculation of the degree of compatibility was 0.8.

Table no. 4.1

Synthesis of the chapter: “Free Movement of Capital”

Degree of transposition	100%
Degree of compatibility	85,7%

Romania has obtained a transition period (of 5 years after accession) to solve the problem of guaranteeing EU citizens’ the right to purchase and own freehold for a second residence, and a transition period (of 7 years after accession) for agricultural and forestry freehold purchasing.

CHAPTER 5 – COMPANY LAW

Romania fully accepts the *acquis communautaire* in force at 31st December 1999 regarding the 5th chapter “Company Law”. Romania does not request a transition period or impairment of law and states that it will be possible to fully enforce the *acquis* after the accession.

The conclusion of the effected analysis is that 32 EU rules connected to this chapter have been passed, i.e. 19 directives, 9 regulations and 4 decrees. Regulations will be taken over automatically at the time of the accession to the European Union.

The *acquis communautaire* in the field of company law includes five distinct areas: company law, accounting, intellectual property rights, industrial property rights and civil law (Brussels and Lugano Conventions on jurisdiction, recognition and enforcement of foreign judgements in civil and commercial matters, and the Rome Convention on the law applicable to contractual obligations).

Table no. 5.1

Synthesis of the chapter: “Company Law”

Degree of transposition	90%
Degree of compatibility	92%

The current degree of harmonization of Romanian legislation with the *acquis communautaire* relevant for this chapter is the following: the degree of transposition is 90% and that of compatibility with the *acquis communautaire* is approximately 92% (*Table no. 5.1* and *Appendix no. 7*).

At the same time, the degree of the Regulations’ taking over is 77.7%.

CHAPTER 6 – COMPETITION POLICY

Romania fully accepts the *acquis communautaire* regarding the 6th chapter “Competition Policy”, in force at 31st December 2002. Romania does not request a transition period or impairment of law and states that it will be possible to fully enforce the *acquis* after the accession.

The conclusion of the effected analysis is that 102 EU rules relevant for this chapter have been passed: 3 directives, 52 regulations, 16 decrees and 31 other adjustments. Regulations will be taken over automatically at the time of the accession to the European Union.

In accordance with the effected analysis, the current degree of harmonization of Romanian legislation with the *acquis communautaire* is the following: the degree of transposition is 65% and that of compatibility with the *acquis* is approximately 77.5% (Table no. 6.1 and Appendix 7).

Table no. 6.1

Synthesis of the chapter: “Competition Policy”

Degree of transposition	65%
Degree of compatibility	77.5%

On the other hand, the degree of the Regulations taking over is 83%.

The essential principles of competition policy in Romania have been stated in the *European Agreement of Association of Romania, on the one hand, and European Communities and Member States, on the other*. This agreement sanctions the provisions referring to competition policy in the 2nd chapter – Competition and other provisions for the economic field, as well as in some articles included in connected chapters.

In contrast with most of the *acquis communautaire*, which stipulates the necessity of taking measures with a view to a gradual harmonization of legislation, the provisions referring to competition policy represent firm obligations, with explicit references to corresponding articles in the European Union Treaty: Article 81 (prohibition of corporate agreements), Article 82 (prohibition of dominant position abuse), and Article 87 (prohibition of subsidies). At present, Romanian legislation in the field of competition and subsidy policy covers the provisions of the *acquis* almost completely, and no difficulties in the future adoption of it are foreseen.

Competition

In this field, both primary and secondary legislation are harmonized with similar European legislation. There is a high proportion of compatibility with EU legislation regarding the regulation of corporate agreements, dominant position abuse and the control of economic concentrations.

The particular dynamics of the evolution of the Romanian economy requires a permanent assessment of the necessity to adjust the provisions of the EU normative judicial decisions to the Romanian environment. For example, inflation and the depreciation of Romanian currency require the revaluation of *de minimis* limits in the case of impairment of law.

State aid

As compared to the adoption of the *acquis communautaire* in the field of competition and of the effective application of anti-trust regulations, where visible progress has been made since 1996, the State aid regulations have been developed at a slower pace.

In conclusion, we can mention the important degree of harmonization with the *acquis* corresponding to this chapter, which has improved significantly. However, consistent effort needs to be made in order to achieve a complete legislative harmonization, and to complete the negotiations with the European Union for this chapter.

Negotiations for this chapter are still unconcluded. This is the only chapter for which Romanian legislation must be fully harmonized with EU legislation before the concluding of negotiations.

CHAPTER 7 – AGRICULTURE

Romania fully accepts the *acquis communautaire* regarding the 7th chapter “Agriculture”, in force at 31st December 2002, and states that it will be possible to enforce the *acquis* after the accession².

The institutional infrastructure that is necessary for the implementation of the *acquis* will be complete and functional at the date of Romania’s accession to the European Union.

The *acquis communautaire* relevant for this field includes 3,122 adjustments and is divided in six sectors.

In accordance with the effected calculations, the current degree of harmonization of Romanian legislation with the *acquis communautaire* is the following: the degree of transposition is 55% and that of compatibility with the *acquis* is 63% (*Table no. 7.1* and *Appendix no. 7*).

On the other hand, the degree of the Regulations taking over is approximately 50%.

Table no. 7.1

Synthesis of the chapter: “Agriculture”

Degree of transposition	55%
Degree of compatibility	63.5%

Further explanation is needed regarding the means of calculating the degree of transposition and that of compatibility:

- the relevant EU adjustments have been taken into account;
- in the case of some sectors, the relevant EU legislation is given by Regulations, and in these situations the degree of their taking over in the Romanian legislation has been taken into account;

² The negotiations for this chapter have recently been completed.

- in the case of the sectors regulated by directives, decrees, and other adjustments, the scheduled transposition agenda has been taken into account; this agenda has been detailed in The Romania's Position Paper and in The Revised Romania's Position Paper.

Report for Different Sectors

S1: Fruit and Vegetables; Grain farming sector

Fruit and Vegetables

In this sector the degree of the Regulations taking over is 55%.

Arable crops

- The relevant EU legislation includes 80 rules R(EC) regarding grain farming and it involves:
 - deciding on the main surface for grain farming;
 - the common organization of a grain market;
 - deciding on the type of plants for which subsidies will be granted;
 - deciding on the level of the subsidy for grains;
 - setting up a support system for producers of certain grains;
 - refunding in the case of exported agricultural produce;
 - deciding on the quality indexes in the case of the grains that will be taken by the Assistance Centers;
 - monitoring the market and the prices, public purchasing and stocking, establishing a stock and sales control system, as well as supervising the destination of the subsidized products;
 - regulating the storing of seeds before consumption;
 - establishing a Warehouse Receipts System;
 - setting up a guarantee fund for the certificates.

Legislative Harmonization

In this sector, the degree of the Regulations taking over is 60%.

Passed judicial acts:

- 3 laws: Law no. 73/2002 regarding the organization and functioning of agricultural produce and food markets; Law no. 20/1993 regarding the European agreement to institute an association between Romania, on the one hand, and European communities and EU member states, on the other; Law no. 778/2001 regarding agricultural produce and food inter-professional organizations;
- 7 Government decisions (HG) regarding the support of agricultural producers, in agreement with R(CE) 1251/1999 – HG no. 210/2002, HG no. 683/2002, HG no. 1077/2002, HG no.945/2002, HG no. 645/2002, HG no. 187/2003, HG no. 1594/2003;
- 1 Government decision (HG) regarding the reduction or exemption from customs duty for imported food and agricultural produce in 2002: HG no. 1035/2001, in agreement with R(CE) 1501/1995;
- 3 emergency ordinances (OUG) regarding the support for agricultural producers, in accordance with R(CE) 1251/1999: OUG 30/2000; OUG 72/2003; and OUG 82/2003;

- 1 emergency ordinance (OUG) regarding the regulation of the storing of seeds before consumption: OUG no. 141/2002 in accordance with R(CE) no. 2273/1993, modified by R(CE) no. 1997/2000;
- 3 dispositions of the Ministry of Agriculture, Food and Forestry (OM):
 - OM no. 1044/2003 regarding the authorization of flax and hemp primary processing units, in accordance with R(CE) 1673/2000 and R(CE) 245/2001;
 - OM no. 824/2000 regarding professional standards, in accordance with R(CE) no. 824/2000;
 - OM no. 136/2002 regarding the foundation of the warehouse licensing Committee, in accordance with R (CE) 1766/1992.

S2: Veterinary-Sanitary Sector

In this sector the degree of transposition is 87% and the degree of compatibility with EU legislation is 90%.

In the **phytosanitary** sector, the degree of transposition and harmonization with EU legislation is 98%.

S3: Rural development; forests; EAGGF (European Agricultural Guidance and Guarantee Fund)

Rural development

Relevant EU rules and regulations: R 1257/1999; R 1783/2003, which amends R 1257/1999; R 1260/1999.

In this sector the degree of Regulations taking over is 40%.

Legislative Harmonization:

- R 1257/1999 and R1783/2003
- HG 535/2003 regarding the ratification of the content of the technical description of the following measures: 1.1 “The improvement of agricultural and piscicultural products’ processing and marketing”, 2.1 “Rural infrastructure development”, 3.1 “Investment in rural exploitations”, 4.1 “The improvement of professional training”, and 4.2 “Technical assistance”, the allocation of which was ratified by HG 916/14.08.2003;
- One HG now being passed, regarding the ratification of Measure 3.4;
- One law now being passed, regarding measures of stimulating young people in the rural area – September 2004;
- One ordinance now being passed, regarding the setting up, recognition and functioning of groups of producers with a view to marketing and selling agricultural, piscicultural and forest products;
- One disposition of the Ministry of Agriculture, Food and Forestry now being elaborated, regarding the procedure and criteria of recognition of those groups of producers constituted with the purpose of marketing and selling agricultural, piscicultural and forest products;
- The Mountain Law

- One draft law regarding the redefining of the rural area – to be published in the Official Gazette (MO)³.

Law no. 646/2002 regarding state support for young people in the rural area was elaborated in accordance with the Council Regulations (CE) 1257/17.05.1999 regarding rural development support from the *European Agricultural Guidance and Guarantee Fund (FEOGA)*, which amends and rescinds some adjustments. The methodological norms for Law no. 646/2002 were passed at the end of March 2003.

Forestry

Relevant EU rules and regulations: R 2152/2003; R 2278/1999; R 1727/1999; D 96/653/CE; R 2152/2003.

Legislative Harmonization:

- Law 26/1996 – The Forest Code;
- OU 96/1998 regarding the regulation of the national forest administration system;
- Law no.124/1995 regarding calamity protection;
- Law no. 212/1997 regarding the sanctioning of OG 60/1997 – fire protection;
- HG 1003/2003 regarding the sanctioning of the national forest soil/vegetation monitoring programme for agriculture;
- Law no. 444/2002 regarding the sanctioning of OUG 38/2002;
- OUG 651/2002 regarding the classification of the national territory depending on the degree of forest fire risk;
- OM 146/2003 assigning the specialized Forest Office within The Ministry of Agriculture, Food and Forestry and the Regional and Local Offices for forest administration and hunting to be responsible with reproduction quality control;
- OUG 38/2002 regarding the elaboration and financing of forest and pedological studies and the financing of the national soil monitoring system for agriculture, as well as forest soil/vegetation monitoring system for forestry;
- OM 11/2004 regarding the production, sale and usage of forest reproduction material.

The Paying and Intervention Agency

In February 2004 Law 1/2004 regarding the establishment of the Agency was passed. Starting with 2005, the Agency will administrate the funds coming from the State Budget, representing financial aid destined to support agriculture. At the same time, it will be responsible for the setting up of institutional structures necessary for the implementing of direct payment and intervention systems.

S4:

Milk and dairy produce

Legislative harmonization: R 1255/99, R 1788/03, R 213/01

In this sector the degree of the Regulations taking over is 45%.

Establishment of institutions:

³ This judicial act has been adopted in the shape of the Common Disposition no. 87/5 April 2004, regarding the defining and characterization of the *rural area*.

- Reorganization of the Milk and Dairy Produce Office within Ministry of Agriculture, Food and Forestry (MAFF) and at the level of the regional and local Agricultural and Rural Development Offices (DADR);
- Organization and accreditation of a network of laboratories for meat and milk quality control (pilot project backed by the Dutch government);
- Organization of the Milk and Dairy Produce Department within the Paying and Intervention Agency.

Beef

Relevant European legislation: R 1208/81, R 2930/81, R 1186/90, R 344/91

In this sector the degree of the Regulations taking over is 75%.

Mutton and goat meat

Relevant European legislation: R 461/93, R 2137/92

In this sector the degree of the Regulations taking over is 80%.

Pork

Relevant European legislation: R 3220/84, R 2967/85, R 2930/81

In this sector the degree of the Regulations taking over is 67%.

Poultry and eggs

Relevant European legislation: R 1907/90, R 1274/91, R 1538/91, R 2782/75, R 2868/77

In this sector the degree of the Regulations taking over is 30%.

Honey

Relevant European legislation: R 2300/97, R 1221/97

In this sector the degree of the Regulations taking over is 100%.

S5:

Trade mechanisms

In this sector the degree of compatibility with EU legislation is 25%.

Romanian legislation:

- HG 1526/18.12.2003 regarding the import-export norms, which represents the normative framework;
- Disposition no. 106/23.03.2001 regarding the import-export norms in the case of licensed commodities;
- HG 1491/18.12.2002 regarding the sanctioning of import-export licensing Norms to be referred to in the case of licensed commodities.

Quality policy

In this sector the degree of compatibility with EU legislation is 75%, and the degree of the Regulations' taking over is 22%.

The provisions of European legislation regarding sandwich grease have been transposed in a common disposition of the Ministry of Agriculture (MAFF)/Ministry of Health (MSF)/Consumer Protection National Agency (ANPC), i.e. Disposition no. 524/958/8/2003, published in the Official Gazette (MO)

no. 141/05.03.2003, in accordance with Rules 2991/94, and R 577/97. The disposition refers to the naming and quality of commercialized sandwich grease.

In Romania there is a legislative framework, embodied by Law no. 84/1998 regarding marks and geographical indications, which partially transposes the European requirements in this field. HG no. 833/1998 sanctioned the methodological norms of the enforcement of Law no. 84/1998.

Up to the present there have not been passed national documents that completely transpose EU legislation. These rules and regulations will be elaborated starting from the existing national legislation in this field, which will be amended; new normative judicial decision that will transpose European provisions completely will be elaborated by the third quarter of 2004.

Organic Farming

In this sector the degree of the Regulations taking over and harmonization with European legislation is 100%.

The Farm Accountancy Data Network (RICA)

Relevant European legislation: R. EEC no. 79/65

Legislative harmonization:

HG regarding the establishment of a data collecting network that will systematize the information about the commercial operations and earnings of agricultural exploitations (R. 79/65); the sanctioning of a selection strategy, the selection of agricultural exploitations, the sanctioning of the Report on experimental implementation (2143/81)

State Aid

Romania's commitment in this sector, as specified in the Romanian's Position Paper, states the following: in accordance with the position adopted for Chapter 6 (Competition Policy), Romania accepts the *acquis communautaire* regarding state aid for agriculture, according to Articles 87-89 in The Treaty of Amsterdam, and in accordance with "European directive guidelines regarding state aid for agriculture" (2000C28/02).

Law no. 603/2003 regarding state aid amended Law no. 143/1999. By this amending of the law it is desired to achieve a complete alignment to the European evaluation and authorization of state aid for agriculture and pisciculture (at the moment the directive guidelines for pisciculture have not been analyzed, Chapter 8 is closed; the Romania's Position Paper does not refer to state aid in this field).

S6:

Rice

Relevant European legislation: R 1709/2003, R 708/1998, R 613/1997, R 3073/1995, R 3072/1995

Legislative harmonization:

- the elaboration of the emergency ordinance of the Government - OUG no.72/2003, regarding the granting of state aid in 2003-2004, in the case of 0-5 hectare exploitations, sanctioned by Law no. 596.

Sugar, sugar beet

In this sector the degree of the Regulations taking over is 38%.

Wine Alcohol and Spirit Drink

In this sector the degree of transposition is 80%.

The degree of compatibility with European legislation is 80%.

Tobacco

In this sector the degree of compatibility with EU legislation 100% and the degree of the Regulations' taking over is 66%.

Flax and hemp

In this sector the degree of compatibility with EU legislation 100%.

Relevant European legislation: R 1251/1999, R 1672/2000, R 1673/2000, R 245/2001

Legislative Harmonization:

- the adoption of the Disposition of the Minister - OM no.1044/2003 regarding the authorization of flax and hemp primary processing units

Silk worms

In this sector the degree of the Regulations taking over is 50%.

Hops

In this sector the degree of the Regulations taking over is 75%.

Seeds and reproduction material

In this sector the degree of the transposition and harmonization with the European legislation is 100%.

To sum up, Romania has made visible progress⁴ with the whole chapter 7. Nevertheless, consistent effort needs to be made with a view to legislative harmonization and to the concluding of the negotiations with the EU.

Romania has not requested a transition period in this field.

CHAPTER 8 – FISHING

Negotiations for this chapter have begun within the framework provided by Romania's EU Accession Conference, on the 17th of May, 2001.

Romania fully accepts the *acquis communautaire* regarding the 8th chapter "Fishing", in force at 31st December 2002 and states that it will be possible to fully enforce the *acquis* after the accession.

The conclusion of the effected analysis is that, in the case of this chapter, out of the total number of European measures (420), only 94 are relevant for the Romanian environment: 84 regulations, 9 decisions, and one in the category 'other rules'. Regulations will be taken over automatically at the time of the accession to the European Union.

According to the effected calculations, the degree of compatibility with the *acquis communautaire* is 55% (*Appendix no. 7*).

On the other hand, the degree of the Regulations taking over is only 20%.

Further explanation regarding the stage reached by negotiations for this chapter:

- The alignment to the *acquis communautaire* relevant to this field resulted in a law regulating fishing, Law no. 192/2001. The piscatorial fund, fishing and pisciculture Law partially transposes the European

⁴ As stated before, Romania has recently concluded the negotiations for this chapter.

rules and regulations 3760/92, 2847/93, 894/97, 1381/87, 2930/86, 3759/92, 2090/98, 104/2000, 3690/93.

Law 192/2001 does not include any reference to the Common Organization of the Fish Market.

- Law 82/1993 regarding the establishment of the reservation “Danube Delta Biosphere” encompasses national norms that do not violate European regulations.

- Law 17/1990, which legally defines Romanian domestic water, territorial water, and contiguous area, introduced the provisions of international law in force related to this field, embodied by the 1982 UN Convention regarding the Law of the Sea, which was adopted by both EU (that filed its formal confirmation on the 1st of April, 1988) and its member-states (with the exception of Denmark), and Romania (that filed its ratification documents on the 17th of December, 1996). On the whole, the Romanian law does not violate the above-mentioned Convention.

- Disposition no. 422/2001 referring to the sanctioning of the Regulations regarding the commercial fishing terms in the Black Sea; the disposition aimed to circumscribe the possibilities of fishing development both in and beyond the territorial waters, up to the limit of the Romanian exclusive economic area.

In order to achieve a complete alignment with the EU legislation, the Law no. 192/2001 regarding the piscatorial fund and fishing must be up-dated.

This up-dating is justified by the radical change in the EU Fishing Policy at the end of 2002, rooted in the EU Council’s adoption of new Regulations observing R EC/2371/20.12.2002 (regarding the conservation and long lasting exploitation of marine resources, as stated by the EU Fishing Policy).

CHAPTER 9 – TRANSPORT POLICY

Chapter opened **during the Swedish presidency (1st semester / 2001)**.

State of the chapter: chapter provisionally closed – during the Italian presidency (2nd semester/2003).

Introduction

The Regular Report of the European Commission regarding Romania, from the 5th of November 2003, states about this chapter: “Romania made progresses in transposing the *acquis* and in establishing the administrative structures, attaining a satisfactory level of alignment with the *acquis*”. And “Romania’s progress in the transport sector has been mixed: good with regard to road and railway transport, reasonable in the area of aviation, but only limited in the case of maritime safety”. Although, it is mentioned that progress made in maritime transport sector is significant and alignment with the *acquis* is “nearly completed”. “The major institutional changes required by the *acquis* are completed”.

Main results

Synthetically presented, the major indicators for the legislative conformity are⁵:

- Transposition index (*Table no. 9.2*): 70.8%
- Compatibility index (*Table no. 9.3*): 84.1%

⁵) According to the *Methodology* presented.

The transposition index (*Table no. 9.2*) has been calculated regardless the regulations. In the case of regulations, they are directly introduced in national legislation.

It has to be noted that the transposition index has higher values if the number of EU legislative measures considered as non-relevant for Romania, is higher.

The value of the compatibility index heads to 100% (*Figure no. 9.1*), as the coefficient C_2 (corresponding to the legal norms adopted in Romania and considered as having only partial compatibility) increases (*Table no. 9.3*).

The Legend of the symbols used in tables 9.1, 9.2 and following is presented in *Table no. 9.4*.

Table no. 9.1

Acquis communautaire specific to Chapter 09. Transport Policy (quantitatively)

Type of EU measure	Total number of EU measures	Number of irrelevant EU measures	Difference (T-N)
R	65	-	65
Di	67	-	67
De	39	13	26
Av	-	-	-
Rc	-	-	-
O.	13	7	6
Total number	184	20	164

Source: Adapted from Progress Editor 12.80, TAIEX (Technical Assistance Information Exchange Office). CD Database, January 2004.

Table no. 9.2

Legislative Conformity:

Evaluation of the transposition index in the Romanian legislation

Chapter 09. Transport Policy

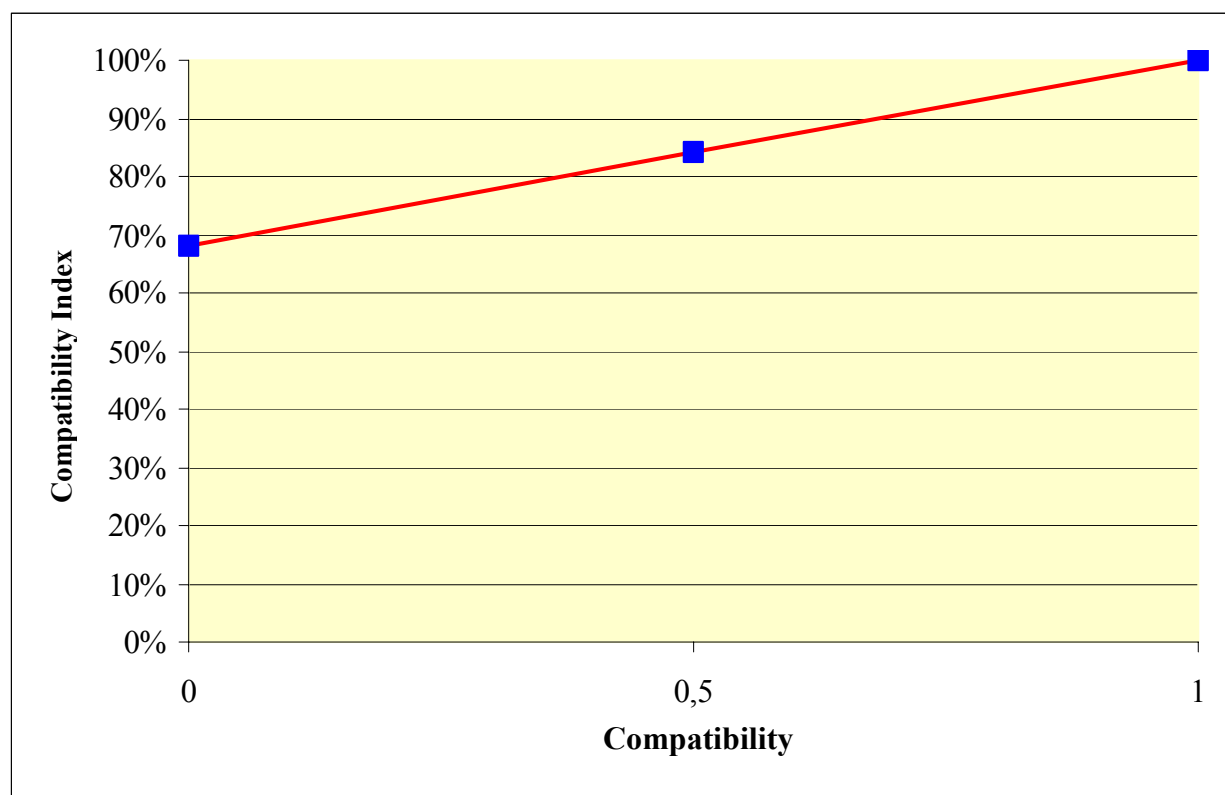
Type of EU measures (weight)	Total number of EU measures	Number of irrelevant EU measures	Difference (T-N)	Number of EU measures transposed in Romania
R.	65	-	65	39
Di (1.0)	67	-	67	57
De (0.9)	39	13	26	8
Av (0.2)	0	0	0	0
Rc (0.2)	0	0	0	0
O. (0.1)	13	7	6	2
Total number	184	20	164	106
No. of measures less R.	119	20	99	67
Transposition index K_T			70.8%	

Source: Adapted from Progress Editor 12.80, TAIEX (Technical Assistance Information Exchange Office). CD Database, January 2004.

Table no. 9.3

**Legislative Conformity:
Evaluation of the compatibility index
Chapter 09. Transport Policy**

No.	Negotiation chapter	Number of EU measures transposed in Romania	Number of national measures in Romania		Out of which – with compatibility:					
					Total (C ₁ = 1)		Partial (C ₂ = 0.5)		Unknown (C ₃ = 0)	
			Number	%	Number	%	Number	%	Number	%
09	Transport Policy	67	207	100	141	68	66	32	0	0
					Compatibility index: 84.1%					



Source:
Adapted from

Progress Editor 12.80, TAIEX (Technical Assistance Information Exchange Office). CD Database, January 2004.

Figure no. 9.1. Estimation of the legislative Compatibility Index for Chapter 9.

The information from the *Progress Editor 12.80* shows the compatibility of 66 national measures as “partial” and, according to the *Methodology*, they should be assigned the medium compatibility

coefficient $C_2 = 0.5$ (which leads to a degree of compatibility of 84.1%). However, debates on this issue with experts from the integrating ministries in charge and, in the same time, beneficiaries of the *Methodology*, led to the conclusion that a finer approach would be more appropriate. So, in *Figure no. 9.1* is shown how the compatibility index depends on the compatibility coefficient. The average compatibility index is 84.1% (for $C_2 = 0.5$), heading to 100%.

Conclusions

1. The negotiation chapter 09. *Transport Policy* is provisionally closed.
2. This chapter is one of the most difficult negotiation chapters from the point of view of the legislative transposition and of the implementation (184 EU measures, 67 measures already transposed through 207 national measures, respectively).
3. The transposition index significantly increased in January-February 2004 (70.8% compared to 55.4%).
4. Although transposing the EU regulations is out of the question, we can talk about a degree of regulation absorption in the Romanian legislation of 60%: 39 out of 65 regulations (*Table 9.2*).
5. The legislative compatibility increased to over 80% (from 77.7% to 84.1%). Still, an important number of national measures (66 out of 207) only have partial compatibility. A more thorough analysis of the partial compatibility situations is needed.

Table no. 9.4

Legend (symbols used in Tables 9.1, 9.2, 14.1, 14.2, 15.1, 15.2, 16.1, 16.2)

Symbol	Meaning
T	Total number of EU measures
N	Number of EU measures that cannot be applied to Romania (irrelevant or only applicable to other countries)
$T - R$	Total number of EU measures less number of regulations
$T - N$	Total number of EU measures less number of measures that cannot be applied to Romania (irrelevant or only applicable to other countries)
$T - R - N$	Total number of EU measures less number of regulations less number of measures that cannot be applied to Romania

CHAPTER 10 – TAXATION

Chapter opened during the Belgian presidency (semester II/2001).

Current situation: closed temporarily during the Greek presidency (semester I/2003).

Main results:

- ✓ Level of transposition 90.90%
- ✓ Level of compatibility 91.13%

According to the 2nd complementary position document, Romania accepts the entire relevant *communitary acquis* in force on December 31st, 2002, requiring transition periods and derogation for the complete transposition of the legislation, as follows:

- derogation from putting into effect article 24 (2) of the 77/388/EEC Directive regarding the special policy applicable to the small size enterprises with regard to the € 35,000 taxation limit, the annual turnover for VAT payers;
- derogation – according to article 28 paragraph 3 (b) and to Appendix F section 17 – for putting into effect the deduction exemption of the international transportation of passengers ;
- derogation to give a special treatment to excise fruit distilled alcoholic drinks, produced by farmers and meant for the self-consumption, equivalent of 50 liters alcoholic liquors / household / year, with a 40% concentration by applying a 50% standard share of the standard excise enforced in Romania;
- a 3 year transition period, until December 31st 2009, to reach the minimum cigarette excise level stipulated by the new *acquis* by the Council’s Directive 2002/10/CE on cigarettes.

There are 187 relevant regulations at community level regarding: the VAT; Excises; Mutual Assistance; Various Fees; Direct Fees. Out of this total number, the following observations are to be made: 19 measures are out of force; 112 measures do not regard our country (are irrelevant) or are to be implemented after the accession. Therefore, Romania has to put into practice 56 community pieces of legislation⁶, but we must mention the fact that 4 of them are regulations – community acts that do not need transposition (taking over their dispositions through Romanian pieces of legislation is enough).

Table no. 10.1

Evaluation of the transposition level of the EC measures into the Romanian legislation⁷

Subchapter	No. of EC measures	Relevant measures				Transposed measures/taken over dispositions				Level of transposition
		R.	Di.	De.	O.	R.	Di.	De.	O.	
VAT	103	0	15	0	0	0	13	0	0	86.66%
Excises	42	4	12	1	0	4	11	0	0	91.66%
Mutual Assistance	11	0	2	0	0	0	2	0	0	100%
Various Fees	26	0	16	1	0	0	16	0	0	95.80%
Direct Fees	5	0	4	0	1	0	4	0	0	95.23%
Total	187	4	49	2	1	4	46	0	0	90.90%

Table no. 10.2

Evaluation of the compatibility level⁸

Subchapter	No. of the Romanian provisions	Compatibility			Compatibility level
		Full	Partial	Unknown	
VAT	1	0	1	0	90%
Excises	1	0	1	0	90%

⁶ Their number is presented in *Appendix no. 8*, for each category.

⁷ Calculated according to the *Methodology*.

⁸ According to the *Methodology*, with the only mention that: for subchapters “VAT” and “Excises”, the partial compatibility was calculated with a 0.9 coefficient instead of 0.5 (because the Ministry of Public Finances experts show a 90% compatibility).

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Mutual Assistance	2	1	1	0	95%
Various Fees	16	16	0	0	100%
Direct Fees	2	0	2	0	90%
Total	44	17	27	0	91.13%

Priorities:

The improvement for gathering the incomes is a priority that materialized both in the improvement of bonds declaration system, the organization and the implementation of the relevant performance indexes, the reorganization of the forced sale, as well as in the establishment of the methodological and procedural framework to decrease the arrears and other ways of paying budgetary debts.

The continuation of fiscal reform is one of the objectives on which the qualified authorities will focus in order to finish some actions or to start and accomplish others. The following steps are to be taken into account:

- to introduce in the national legislation the special VAT policy for: agricultural producers, small size enterprises and art, collection or curio objects (foreseen for 2005);
- to comply with the principles of the Business Taxation Conduct Code;
- to continue to align the relevant national legislation to the community legislation.

Taking into account the fact that one of the administrative problems identified in this field is “to eliminate the delayed VAT reimbursements”, actions will be taken in 2004 to decrease the VAT reimbursement period for the taxpayers who do not classify for high risk level category, to:

- to strengthen fiscal inspection for high risk level taxpayers, as well as to decrease the number of VAT reimbursement evasions.

Conclusions

According to the country report presented by the European Commission in November 2003, Romania continued aligning to the *community acquis*.

Romania continued to gradually align the excises to all the harmonized product categories, even if presently the excises share is considerably far behind the minimum stipulated in the relevant *acquis*. In the 2nd complementary position Document was set the agenda to increase the excise level so that the minimum level imposed for the alcoholic drinks and mineral oils should be reached until the accession and for cigarettes is foreseen a 3-year transition period. Until now, Romania has kept exactly with the agenda it took upon.

Romania will have to continue to align the legislation concerning the direct taxation. It has to continue examining the legislation in order to remove the possible detrimental measures, so that the legislation should be in accordance with the principles of the Business Taxation Conduct Code, after the accession, to the same extent as in the current member states.

CHAPTER 11 – ECONOMIC AND MONETARY UNION

Chapter open during the Spanish presidency (semester I/2002).

Current situation: closed temporarily during the Spanish presidency (semester I/2002).

Romania fully accepts the community *acquis* regarding Chapter 11 – Monetary and Economic Union, effective on June 30th, 2001. At the moment of its adhesion, Romania shall abide by the stipulations of this *acquis*, if it is considered country waiving from the single currency, in accordance with art. 122 (former 109K) of the Treaty of the European Union.

The community stipulations in the domain are 95 in number, among which:

- 39 belong⁹ to the subchapter named “Generalities”;
- 38 deal with the “Monetary Policies”;
- 18 are to be found in the chapter “Economic Policies”.

Out of 95 community stipulations, Romania has to transcribe only 37¹⁰, because the other 58 are either regulations that are not transcribed (14), but their provisions are taken over into the Romanian legislation in order to set up the conditions to put them into force directly on adhesion or they do not regard Romania or are not effective any more (44). At the same time, we have to mention that out of 37 community measures, 7 decisions and 1 recommendation shall be put into force at the moment of the adhesion; thus, the situation of the relevant *acquis* for our country is the following:

- 14 regulations;
- 11 decisions (out of a total number of 18 relevant for our country);
- 18 other community documents (out of a total number of 19 relevant for Romania).

Main results:

- ✓ The transposition level 82,19%
- ✓ The compatibility level 60,41%

As to the level of taking over the provisions of the regulations into the Romanian legislation, in order to set up the conditions to put them into force directly after the adhesion, it is of 100 %.

Table no. 11.1

Evaluation of the transposition level for the community measures into the Romanian legislation¹¹

Subchapter	No. of EC measures	Relevant EC measures			Transcribed EC measures / taken over measures			Transposition level
		R.	De.	O.	R.	De.	O.	
Total	95	14	11	18	14	10	10	82,19%

⁹ According to *Progress Editor 12.80*, February 2004.

¹⁰ Their number is presented in *Appendix no. 9*, for category of documents.

¹¹ Calculated according to the *Methodology*.

Table no. 11.2

Evaluation of the compatibility¹² level

Subchapter	No. of stipulations in the Romanian legislation	Compatibility			Compatibility level
		Total	Partial	Unknown	
Total	138	25	95	-	60,41%

Priorities

The necessity of enacting, till December 2004, the consolidated law for the capital market is a priority. The institution in charge is CNVM.

According to the Country Report presented by the European Commission in November 2003, Romania must amend the current legislation regarding the ban of the direct financing of the public sector by the Central Bank, especially in the field of bonds purchasing.

Romania agreed to pass the necessary amendments by the end of 2004.

The Report also underlines the necessity of the continuous alignment of the community *acquis*, regarding the ban of the public sector's favored access to the financial institutions. Romania agreed to amend the legislation with reference to the insurance fund for the bank deposits by the end of 2004.

At the same time, the continuous alignment of the community *acquis* with reference to the action of insuring the Central Bank's full independence is a must. Romania agreed to amend the legislation till the end of 2004.

Conclusions

In the end, the Country Report mentions the fact that Romania reached a certain level of alignment, but efforts are still needed and our country agreed to introduce the main reforms in this field at the end of 2004.

In general, Romania fulfils the commitments and the requirements of this chapter of negotiations.

CHAPTER 12 – STATISTICS**Introduction**

The negotiations concerning the Chapter 12 – Statistics started and were finalized during the Conference on Romania's Accession to the E.U. held on 24th October, 2000, being one of the six Chapters that were opened and closed. The significance of the Chapter is that it provides a necessary tool for negotiating the other Chapters and for the negotiations in general that is the statistical

¹² Calculated according to the *Methodology*.

indicators used to monitor the progress made. That is why, this Chapter include a wide range of statistical sub-Chapters that practically cover all economic fields.

The *statistical acquis* refers mainly to *principles* (relevance, transparency, confidentiality, individual data protection), *secondary documents* of the Commission and Council that regulate the production of statistics concerning various fields, and to *committees and working groups*. The E.U. Statistical Office, Eurostat, aims at creating a European statistical system based on criteria of comparability in order to harmonize the concepts, definitions, indicators, classifications and statistical nomenclatures. The E.U. policy concerning statistics is based on Article 285 of the Amsterdam Treaty, the Council Regulation 322 of 1997, basic principles in accordance with the Fundamental Principles of the Official Statistics adopted by the U.N. Commission for Statistics, the compendium of legal documents edited by Eurostat (updated every year) and the E.U. statistical recommendations.

The Community legislation concerning statistics implies the compliance with the European standards in the following fields of statistics: infrastructure, demographic and social , regional, macroeconomic, enterprise, transport, tourism, services and foreign trade, agriculture, forestry and fishing .

Romania accepted fully the Community *acquis* concerning chapter 12 – Statistics taking effect on the 31st of December, 2002

The transposing of the statistical *acquis*

The transposing of the statistical *acquis* is a gradual process to be finalized in 2006. The pace is influenced by the capability of National Institute of Statistics (NIS) to absorb the European funds supporting the process, the electronic infrastructure, the stability of the properly skilled personnel (at present, there is a significant personnel fluctuation). The way and pace of transposing the E.U. legislation are in accordance with Eurostat programmes (European Statistics Office) based on the **strategic programming** over the period 2003-2007. Therefore, the NIS has worked out its own strategy for the statistics harmonization in accordance with the E.U. requirements for 2003-2006. The NIS monitors permanently the capability to absorb PHARE funds (national level and multi-beneficiary).

The 2003 Country Report points out on page 76: "Achieving full compliance with statistical **CHAPTER** strongly depends on the availability of sufficient staff and resources. There is a need to increase the number of qualified personnel in all sectors, especially for improving the quality of data. Highly qualified personnel can only be successful recruited and retained if a proper working environment for the staff, proper IT infrastructure and continued training in statistics are ensured".

The legislation transposing in this field usually coincide with its implementation, since once approved and adopted, a programme, it is going to be enforced very soon (data collection, processing and dissemination).

The wide diversity of the *acquis* (30 sub-Chapters) to be transposed requires, for operational reasons, two types of legislation concerning this field:

a) Main legislation consisting of Government Decisions on the approval of the annual programmes for statistical research or other laws passed by the Parliament concerning areas of national interest (e.g., NACE, census).

b) Secondary legislation, consisting of Orders and Internal Decisions issued by the NIS President or by the NIS Management Board. Prior to the approval by the NIS Management of the statistical *Methodology* in accordance with the Community *acquis*, the *Methodology* is discussed and advised by the Methodological Advisory Committee. This Committee consisting of experts including

representatives of the sector partners of the related ministries. Thus, the quick implementation is quite possible.

The discussions with the NIS experts and the **2003 Country Report** revealed the progress made in harmonizing several chapters. Revised version of the **classification of Economic Activities in the European Community (NACE)** and the **Classification of Products by Activity (CPA)** were adopted and introduced into surveys. Concerning **demographic and social statistics** good progress has been made. The data for the population and housing census were published in June 2003. The pilot survey on the structure of earnings has been implemented. The Labor Force Survey ad hoc module on employment of disabled persons was implemented and results published. A first quality report on the data of the 2000 Labor Survey was drafted. Activities to collect social protection statistics have started. As regards regional statistics, in accordance with the European system of Accounts ESA 95, complete 1998-2000 data series were produced and published for regional gross added value and gross domestic product. Regional surveys on living conditions and road transport of goods were also launched. Concerning **macroeconomic statistics**, national accounts are compiled in line with **ESA 95**. **The financial accounts**: data were sent to the Eurostat in relation to the 1999-2003 fiscal notification. The nomenclature of goods and services, for the consumer price index was enlarged in January 2003. As for the **Business Statistics**, one may notice an improvement of the data quality. In March 2003 quality reports for the 2000 structural business statistics were prepared; a number of short-term statistical-indicators are now regularly transmitted to Eurostat. The **Transport Statistics** was improved by introducing the electronic collection of data concerning the air and river transportation. Quarterly 2003 data have been prepared for experimental processing. Concerning **external trade statistics**, a pilot survey for INTRASTAT was implemented; a system of measuring trade between Member States was implemented. As regards the **agriculture statistics**, the General Agricultural Census was carried out during the end of 2002 /beginning of 2003 and preliminary results are available. Statistical surveys concerning the land use, crop production, household structure, animal production and agricultural prices were conducted. Most of the **methodologies** for the branch statistics were harmonized in order to be used for statistical surveys. Other methodologies are going to be harmonized. The percentage of data available and sent to Eurostat increased to 55 % (computed by the NIS for 2003 as against 2002).

The evaluation of the transposing degree

According to the “*Progress Editor 12.80* version, the data available of 1st February 2004 , the statistical *acquis* consists of 230 legal measures, most of which (128) being Regulations. The large number of Regulations reveals the reglementation high degree of the statistical field owing to the importance attached to it. In accordance with EU rules, the Council or Commission Regulations shall not be transposed but introducing their provisions into the Romanian legislation in order to ensure good conditions for their direct application after accession. In this respect INS staff has made greater efforts to enforce 87 Regulations in order to provide the institutional and organizational framework for the effective data collection and processing. It is worth mentioning that 11 out of 30 sub-Chapters were based only on Regulations as follows: Classifications (18), Statistical Coordination (6), Registers (1), Data Security and Statistical Confidentiality (2), Population (1), Labor market (17), Price (11), Services (4), Crop production (3), Fisheries (11), Environmental Statistics (1). A large number of the Regulations relevant to the Romanian statistics (some of Regulations being irrelevant to our country or within the competence of other ministries) i.e. 87 regulations, were included in the Romanian legislation in order to improve the activity in this field. The direct enforcement of such many Regulations implied steady legislative activity that resulted in a significant number (86) of either NIS internal documents or laws. Out of 128 Regulations, 24 have been into force till 2004.

Transposing degree of Statistic *acquis*

Sub-Chapters	No. <i>Acquis</i> mesures	Type of measures			Transposed measures			Transposing degree (Di. and De.) %	Remarks
		R.	Di.	De.	R.	Di.	De.		
Basic principles	3	1	-	2	1	-	1	100	1 irrelevant De.
Classifications	18	18	-	-	10	-	-	-	
Statistical coordination	6	6	-	-	0	-	-	-	-
Registers	1	1	-	-	1	-	-	-	
Data Security	2	2	-	-	2	-	-	-	
Population	1	1	-	-	1	-	-	-	
Labor market	17	17	-	-	14	-	-	-	
Health Safety and Consumer Protection	1	-	-	1	-	-	1	100	
Annual Economic Accounts	6	5	-	1	5	-	-	-	1 De. no longer into force
Quarterly and Environmental Accounts.	2	1	-	1	1	-	1	100	
Financial accounts	4	3	-	1	3	-	1	100	
Monitoring and resources	13	-	1	12	-	1	12		
Prices	11	11	-	-	10	-	-	-	
Industry	16	8	2	6	4	-	6	100	2 Di. no longer into force
Energy and raw materials	2	-	-	2	-	-	2	100	
Transport	13	5	5	3	5	4	2	100	1 Di. no longer into force and 1 De. irrelevant
Communications	1	-	-	1	-	-	1	-	
Tourism	2	-	1	1	-	1	1	100	
Services	4	4	-	-	4	-	-	-	
Trade in Goods	17	14	-	3	4	-	1	33.0	
Land Use and Landscape	2	-	-	2	-	-	2	100	
Agricultures Structures	46	15	2	29	11	2	24	76.13	1 De. is no longer into force and 1 De. is irrelevant
Crop production	3	3	-	-	3	-	-	-	
Animal Production	14	1	5	8	1	5	7	100	1 irrelevant Decision
Other Agric. Structures	7	-	-	-7	-	-	-	-	7 Decisions irrelevant or no longer into

									force
Forestry Statistics	-	-	-	-	-	-	-	-	
Fisheries Statistics	11	11	-	-	-	-	-	-	11 Regulations are irrelevant for Statistic field
Environmental Statistics	1	1	-	-	1	-	-	-	
Regional and Geographical Information	-	-	-	-	-	-	-	-	
Committees in the field of Statistics	6	-	-	6	-	-	-	-	6 De. will be into force upon access
Total	230	128	16	86	87	13	62	86.43	13 Di. and 74 De. are irrelevant for evaluation of transposition degree

To assess the transposing degree, we had to identify the number and types of E.U. measures to be transposed. In this Chapter they consist of 15 directives and 86 decisions. The transposing coefficient is a percentage ratio calculated by dividing number of the transposed measures (types of E.U. measures weighted by their significance level coefficient: directive = 1, decision = 0.9) to the measures relevant to the Romanian Statistics. First step of the evaluation was to identify the irrelevant measures (no longer into force; relevant for other countries, such as olive tree growing; within the competence of other ministries) in order to exclude them from the total EU measures to be transposed. We identified 3 Directives no longer into force since 1998 and 19 Decisions that were either not into force or irrelevant to Romania.

The assessment of the compatibility degree of the Romanian legislation in relation to transposed Community *acquis*

The legislative compatibility coefficient was set both for each sub-Chapter and, as a whole, as a rate calculated by dividing the Romanian juridical regulations that transposed the *acquis*, weighted by some coefficients expressing the different compatibility degrees (total or partial) to the total number of Romanian regulations.

Table no. 12. 2

The degree of compatibility of the Romanian legislation with the *acquis* transposed

Subchapters	No. of Romanian laws	Compatibility			Compatibiliity degree %
		Full	Partial (estimated partiality coefficient)	Unknown	
Basic Principles	2	1	1 (0.8)	-	75
Classifications	-	-	-	-	-
Statistical Coordination	-	-	-	-	-
Registers	-	-	-	-	-
Data Security and Statistical	-	-	-	-	-

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Confidentiality					
Population	-	-	-	-	-
Labor Market	-	-	-	-	-
Health Safety and Consumer Protection	1	1	-	-	100
Annual Economic Account	-	-	-	-	-
Quarterly and Environment Accounts	1	-	1 (0.7)	-	70
Financial Accounts	1	-	1 (0.8)	-	80
Monitoring and Resources	12	-	12 (0.5)	-	50
Prices	-	-	-	-	-
Industry	6	-	6 (0.9)	-	90
Energy and Raw Material	2	1	1 (0.9)	-	95
Transport	4	-	4 (0.8)	-	80
Communications	1	-	1-)0.8	-	80
Tourism	4	4	-	-	100
Services	-	-	-	-	-
Trade in Goods	1	-	1 (0.8)-	-	-
Land Use and Landscape	2	-	2 (0.8)	-	80
Agricultural Structures	39	21	18 (0.9)	-	95.5
Crop Production	-	-	-	-	-
Animal Production	15	8	7 (0.7)	-	86
Other Agricultural Structures	-	-	-	-	-
Forestry Statistics	-	-	-	-	-
Fisheries Statistics	-	-	-	-	-
Environmental Statistics	-	-	-	-	-
Regional and Geographical Information	-	-	-	-	-
Committees in the field of Statistics	5	-	5 (0.8)	-	80
Total	96	36	58 (0.8)	-	87.6

The compatibility coefficient of the fully compatible rules is equal to 1. The coefficients of the partially compatible measures were assessed by the NIS and the values differed from one sub-Chapter to another (*Table no. 12.2* column 4).

The degree of concordance of Romanian legislation with the statistical *acquis*.

According to the *Methodology*, the degree of concordance of the Romanian legislation with the Community *acquis* may be assessed by the comparative analysis of the transposing degree and compatibility degree.

Table no. 12.3

Degree of concordance of the Romanian legislation with the *acquis*

Sub Chapters	Transposing degree %	Compatibility Degree %
Basic Principles	100	75
Classifications	-	-
Statistical Coordination	-	-

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Registers	-	-
Data Security and Statistical Confidentiality	-	-
Population	-	-
Labor Market	-	-
Health Safety and Consumer Protection	100	100
Annual Economic Accounts	-	-
Quarterly and Environment Accounts	100	70
Financial Accounts	100	80
Monitoring and Resources	100	50
Prices	-	-
Industry	100	90
Energy and raw material	100	95
Transport	100	80
Communications	100	80-
Tourism	100	100
Services	-	-
Trade in goods	33	80
Land use and Landscape	100	80
Agricultural Structures	76.13	95.5
Crop production	-	-
Animal production	100	86
Other Agricultural Structures	-	-
Forestry Statistics	-	-
Fisheries Statistics	-	-
Environmental Statistics	-	-
Regional and Geographical Statistics	-	-
Committees in the field of Statistics	-	80
Total Romanian laws	86.43	87.6

Conclusions

The degree of concordance of the Romanian legislation with the 2002 statistical *acquis* ranges from 86.43 % to 87.6 %. In the NIS experts' opinion, they have surpassed the quantitative accumulations and reached the refining stage, aiming at preserving the valuable elements and improving statistical data. A specific strategy was worked out by NIS based on 2003-2007 Eurostat Programme on medium term, i.e. 2003-2006, considering both the necessity of gradual transposing, until the accession time, of the entire E.U. legislation as well as the absorption capacity of EU funds

The 2003-2006 strategic objectives include "the harmonization of all statistical methodologies with the European ones in order to ensure, until 2007, the compatibility of the national statistical system the E.U. statistics. It means the supply of data concerning the Chapters being negotiated with the E.U. in accordance with the Economic Programme for Romania's Pre-Accession to the E.U.

Priorities

The technology of collecting, processing and analyzing the statistical data as well as the electronic system of producing, operation and disseminating the data shall be improved.

A set of rules and methods, including the mathematical ones, shall be created to provide a system for revising and monitoring the quality and fiability of the statistical data and ensuring the required transparency. The NIS is implementing an extensive programme for revising the statistical data quality consisting, on one hand, of quality reports concerning some statistical areas and, on the other hand, of surveys for assessing the users' degree of satisfaction. Also, the NIS undertakes to revise the

methodological statistical bulletins in order to achieve the full harmonization with the E.U. rules. The regional statistics shall be developed. In this respect, the NIS finalized 3 pilot surveys on the standard of living, population, SMEs and road transport of good on the regional level. The NIS worked out a programme for the training of the personnel of the county statistics departments in the regional statistics field. The NIS is also taking action to develop statistics in the following fields: information society, social statistics (statistics of income and standard of living), passenger road transport, satellite accounts for the expenditure on the environment protection, social accounting matrix, IT architecture and NIS website, relations with mass media, as well as increasing capability to work statistical studies concerning the economic and social areas.

CHAPTER 13 – SOCIAL AND EMPLOYMENT POLICY

Introduction

The negotiations concerning this Chapter were opened at the Intergovernmental Conference on Romania's Accession to the EU, held on the 24th of October 2001, and have been provisionally closed at the Conference of the 19th of April 2002. The Ministry of Labor, Social Solidarity and Family (MLSSF), as a Chapter integrator, co-operates with eleven institutions (members of the sectoral delegation) in transposing and implementing the Community *acquis*. Romania fully accepted the Community *acquis* concerning Chapter 13 in force on the 31st of December 2002.

The Community *acquis* concerning this Chapter is quite diverse and covers areas of major importance for the social and economic stability such as: labor law; social dialogue; equality of treatment for men and women; anti-discrimination; employment; social security, aged people and exclusion; the disabled people; public health; health and safety at work. All above sub-Chapters are parts of Chapter 13.

The EU objectives in these fields, covered by the Chapter 13 of the *acquis* were set up by the European Social Charter, the Community Charter concerning the Fundamental Social Rights and the White Book – European Social Policy. By implementing the Community *acquis* in relation to this Chapter, Romania is going to meet the requirements of the spring European Council, (Lisbon 2000), that by 2010, Europe became the most competitive and dynamic economic knowledge based space in the world, able to generate more and better jobs, as well as a stronger social cohesion.

The eradication of unemployment by 2010 was defined as a priority of the European Union since it is a problem of most of the Member Countries. The European Social Fund (ESF) is the main financial tool of structural action that provides means for the implementation of the European Strategy for Employment (ESF). The ESF is meant to support actions taken by the Member Countries for the prevention and fighting against unemployment, development of human resources and integration into the labor market, equal opportunities for men and women, sustainable development, and economic and social cohesion. The ESF aid is offered to any Member State on the basis of the national priorities defined in the National Action Plan for Employment.

The EU priorities in the labor legislation field imply the definition of the minimum work requirements and not necessarily the harmonization of legislation. Within the sub-Chapter "Labor health and security" the new "EU Strategy for labor health and security" for 2002-2006 was adopted in 2002. It implies a new approach to the work culture, based on the quality of labor, prevention of risks and partnerships. Although the responsibility for the social protection policy lies with each country, the Commission thought it could provide help by taking measures for joint promotion and action. The basis of the European social model is the dialogue with the social partners.

Several multinational programmes developed and implemented with support from the Member States promote the equality of treatment for men and women, as a basic principle of democracy.

The transposition of the Community *acquis* into Romanian legislation was a major concern of the Chapter integrator ministry (MLSSF) that collaborated with other ministries having responsibility within the sectoral delegation in charge of Chapter 13. The enforcement of the new Labor Code (Law no.53/2003) on the 1st of March, 2003, resulted in the harmonization of the Romanian legal provisions with the Community *acquis* in the following fields: part-time work, labor contract on a limited period, protection of the young employees, work time organization, collective dismissal, the employees information concerning the contract conditions and labor relation. The European Commission pointed out in the Country Report 2003: “On labor law, significant progress can be recorded with the entry into force of the Labor Code in March 2003 incorporating the main principles of the labor law *acquis*. However, an important part of the *acquis* still need to be implemented through secondary legislation, and adjustments are still necessary in relation to directives on collective redundancies, protection of young people at work and on the transfer of undertakings”.

Law no. 202/2002, enforced on the 8th of June 2002, covers the equality of treatment for men and women. The Ministry of Labor, Social Solidarity and Family (MLSSF) is responsible for the analysis, amendment and/or elimination (from the statutory or administration regulation) of any provision contrary to the principle of equal opportunities for women and men. The MLSSF is also responsible for the control over the law implementation by co-coordinated or subordinated institutions (5) or other public authorities (6). Also, the Labor Code includes a general provision concerning the night work during pregnancy. The Country Report points out that in this field detailed provisions are required. The Law no. 25/2004 was adopted for the approval of the GO no. 96/2003 concerning the maternity protection at the work place.

To achieve the full compatibility of the Romanian legislation with the Community *acquis* concerning the Labor Health and Security, the general rules of labor protection were revised and further approved by the common Order of the Ministry of Labor and Social Solidarity (MLSS) (OM no. 508/2002) and Ministry of Health and Family (MHF) OM no. 933/2002. By this regulation have been transposed 20 healths and safety Directives, of which 14 are basic Directives. Within the Project “Establishment of a protection system for the employees exposed to noxious agents”, developed in co-operation with the French Ministry of Employment and Solidarity, amendments to the General Labor Protection Regulations were adopted in order to transpose 7 directives concerning the chemical, cancer-causing and biological agents, asbestos and noise, further approved by the common Order no. 508/933/2002 of MLSS (at present MLSSF) and Ministry of Health and Family (at present Ministry of Health).

The Sub-Chapter **Social Dialogue** was legally improved by adopting very important laws of social interest: Law 429 of 2003 concerning the Amendments to the Constitution, Law no. 54/2003 concerning the Trade Unions, Law no. 53/2003 concerning the Labor Code, Law no. 58/2003 concerning the Amendments to the Law no. 109/1997 concerning the Organization and Functioning of the Economic and Social Council, Government Decision no. 569/2002 concerning the Amendments to the GD no. 314/2001 regarding the establishment, organization and functioning of the Social Dialogue Commissions within some ministries and prefect’s offices.

The degree of transposition was calculated as a ratio by dividing the transposed measures by type (directives, decisions), weighted with various significance coefficients to all relevant measures. By identifying and excluding from calculation the expired UE measures, those irrelevant to our country or valid after Romania’s accession we could determine the relevant measures. Using information of *Progress Editor 12.80*, containing data available of 1st February 2004 we identified the following irrelevant measures: sub-Chapter 01: 2 directives and one decision irrelevant to Romania; sub-Chapter 02: 14 expired and 4 irrelevant decisions; in sub-Chapter 03 is one irrelevant decision; sub-Chapter 05

includes 3 expired decisions and one irrelevant decision; sub-Chapter 06 includes, one abrogated decision and an irrelevant one; sub-Chapter 10 includes 2 abrogated directives, 14 abrogated decisions and one irrelevant decision; sub-Chapter 11 includes , 11 expired directives and 7 expired decisions, one untransposed directive, and one decision not requiring transposition. All above measures were not included in the denominator of the ratio used to assess the transposing coefficient. The significance coefficients used to weight different kinds of transposed measures, i.e. directives and decisions (since the regulations have not to be transposed) are: 1 for Directives, and 0.9 for Decisions.

Table no. 13.1

Degree of transposing the Community *acquis* concerning Chapter 13

Sub-Chapter No.	Sub-Chapter	No. of EU measures	Types of relevant measures			Transposed measures		Degree of transposition %
			R.	Di.	De.	Di.	De.	
13.01	Labour Low	21		18	-	16	-	88.8
13.02	Social Dialogue	20	-	-	2	-	2	100
13.03	Equality of Treatment for Men and Women	13	-	8	4	8	4	100
13.04	Anti-Discrimination	3	-	2	1	2	1	100
13.05	Employment	7	-	-	3	-	3	100
13.06	European Social Fund	12	1	-	-	-	-	-
13.07	Social Security, Aged People and Exclusion	4		-	2	-	2	100
13.08	Disabled People	1	-	-	1	-	-	100-
13.09	Foundation of Dublin	10	10	-	-	-	-	-
13.10	Public Health	22		1	4	1	4	100
13.11	Health and Safety at work	44	-	23	-	22	-	95.6
	Total	157	11	52	17	49	16	94.2

R = Regulations (not necessary to be transposed)

In the **Public Health** field, the Order of the Minister of Health no. 248/149 of 2003 concerning the approval of the 2003 health subprogrammes updated the strategical guidelines of the Community Public Health Programme for the purpose of harmonizing it with the Council Decision no. 1796/2002/EC. Five regulations were adopted between September 2002–June 2003 for the purpose of fully transposing the Council Decision no. 97/102/EC concerning the adoption of an Action Plan for preventing drug addiction, in accordance with the European Action Plan on Drugs of 2000-2004. Two Government Decisions were adopted for the creation of a reimbursement procedure for the medicine compensation. The Country Report 2003 points out that the legislation concerning the tobacco control is partially in line with the *acquis*. Recently, the Law no. 90/2004 was adopted. It amends the Law no. 349/2002 concerning the prevention and elimination of the tobacco hazards. The efforts should continue to implement and enforce existing legislative measures to develop an EU compatible surveillance system for communicable diseases.

The **Employment**, a very sensible issue, was regulated by several laws: Law no. 76/2002 concerning the unemployment insurance system and employment stimulation, GD 759/2002 concerning the National Action Plan for Employment. The 2004-2005 Action Plan for Employment was adopted on the basis of the revised European Strategy for Employment and Employment Guidelines in accordance with the priorities, commitments and recommendations included in the Joint Assessment Paper (JAP). The Memorandum concerning Romania's participation in the Programme "Community actions for the employment stimulation" was signed on the 7th of January 2002. The legal framework was based on the Framework Decision 1 of 2002 of Romania-EU Association Council.

Eight regulations concerning the Community *acquis* transposition were adopted within the Sub-Chapter **Social Security, Aged People and Exclusion**.

The **Social Assistance** was covered by several regulations that provided, in accordance with the Community *acquis*, the consolidation of the Government's social policy (GD no. 811/2002 concerning the approval of 2002-2003 Social Programme) the organization of the social services system (Law no. 515/2003 for the approval of GO no. 68/2003 concerning the social services, GD no. 1615/2003 concerning the organization and functioning of the Social Mediation Commission), social inclusion (Law no. 116/2002 concerning the prevention of and fight against social marginalization, GD no. 829/2002 on the approval of the National Anti-poverty Plan and Social Inclusion Promotion), the protection of persons in special need (GD no. 1360/2002 concerning the establishment of the children's monthly allowance, GEO no.105 / 2003 concerning the additional family allowance and the allowance in support of the single-parent families), social benefits (Law no. 416/2001 concerning the minimum guaranteed income), indexing of the monthly guaranteed minimum income (GD no. 1037/2002).

The **Special Protection of the disabled persons** was covered by 17 regulations, among which: Law no. 519/2002 on the approval of GEO no. 102/ 999 concerning the special protection and employment of the handicapped persons, GO no. 14/2001 on the establishment, organization and functioning of the National Authority for the Disabled persons GD no. 1215/2003 concerning the approval of the National Strategy for the special protection and social integration of the disabled persons.

To fully implement the Community *acquis* concerning the **Fight against Discrimination**, the National Council for Discrimination control worked out the draft law concerning the amendments to the GO no. 137/2000 regarding the prevention of and sanctions any form of discrimination, Law no. 27/2004.

Assessment of the degree of compatibility between Romanian legislation and Community *acquis*.

Table no. 13.2

Degree of compatibility of the Romanian legislation with the Community *acquis*

Sub-Chapter No.	Sub-Chapter	Compatibility of Romanian laws with the <i>acquis</i>			Degree of compatibility %
		Full	Partial	Unknown	
13.01	Labour Law	57	17	-	88.5
13.02	Social Dialogue	22	-	-	100
13.03	Equality of Treatment for Men and Women	83	17	-	91.5
13.04	Anti-Discrimination	19	-	-	100
13.05	Employment	5	-	-	100
13.06	European Social Fund	-	-	-	-
13.07	Social Security, Aged People and Exclusion	8	-	-	100
13.08	Disabled People	-	-	-	-

13.09	Foundation of Dublin	-	-	-	-
13.10	Public Health	14	1	-	96.66
13.11	Health and Safety at work	74	2	-	98.9
	Total	282	37	-	94.2

The compatibility coefficient was calculated as a ratio of all totally or partially transposed measures, weighted with the coefficient 1 for full compatibility and 0.5 for partial compatibility, divided to total Romanian legislative measures. The results are specified in the last column of *Table no. 13.3*.

Calculation of the degree of concordance between the Romanian legislation and Community *acquis* may be made per each sub-Chapter or as a whole, by comparing the two coefficients, i.e. the transposing coefficient and compatibility coefficient, as given in the table bellow.

Table no. 13.3

Degree of concordance between the Romanian legislation and the Community *acquis* concerning Chapter 13

Sub-chapter No.	Sub-Chapter	Transposing degree %	Compatibility degree %
13.01	Labour Low	88.8	88.5
13.02	Social Dialogue	100	100
13.03	Equality of Treatment for Men and Women	100	91.5
13.04	Anti-Discrimination	100	100
13.05	Employment	100	100
13.06	European Social Fund	-	-
13.07	Social Security, Aged People and Exclusion	100	100
13.08	Disabled People	100-	-
13.09	Foundation of Dublin	-	-
13.10	Public Health	100	96.66
13.11	Health and Safety at work	95.6	98.9
	Total	94.2	94.2

Conclusions

The progress has been made within Chapter 13 in ensuring the concordance of the Romanian legislation with the Community *acquis*. The adoption of the new Labor Code was a significant step in transposing the relevant Community *acquis*. The efforts should be directed to finalizing the above process, and, especially, to implementing the transposed legislation.

CHAPTER 14 – ENERGY

Chapter opened **during the Spanish presidency (1st semester / 2002)**.

State of the chapter: **chapter opened – negotiation in progress.**

Introduction

The Regular Report of the European Commission regarding Romania, from the 5th of November 2003, states about this chapter that “Romania made progress in a few domains. The attention of the authorities must focus on implementing the legislation, the structural reforms in the field of energy, on increasing the efficiency of bill collection, on creating the oil reserves, on consolidating the administrative capacity”.

Main results

Synthetically presented, the major indicators for the legislative conformity are¹³:

- Transposition index (Table no. 14.2): 53.2%
- Compatibility index (Table no. 14.3): 72.2%

The transposition index (Table no. 14.2) has been calculated regardless the regulations. In the case of regulations, they are directly introduced in national legislation.

It has to be noted that the transposition index has higher values if the number of EU legislative measures considered as non-relevant for Romania, is higher.

The value of the compatibility index heads to 100% (Figure no. 14.1), as the coefficient C₂ (corresponding to the legal norms adopted in Romania and considered as having only partial compatibility) increases (Table no. 14.3).

Table no. 14.1

Acquis communautaire specific to Chapter 14. Energy (quantitatively)

Type of EU measure	Total number of EU measures	Number of irrelevant EU measures	Difference (T-N)
R	18	-	18
Di	30	1	29
De	131	62	69
Av	-	-	-
Rc	-	-	-
O.	14	-	14
Total number	193	63	130

Source: Adapted from Progress Editor 12.80, TAIEX (Technical Assistance Information Exchange Office). CD Database, January 2004.

Table no. 14.2

Legislative Conformity:

Evaluation of the transposition index in the Romanian legislation

Chapter 14. Energy

Type of EU measures (weight)	Total number of EU measures	Number of irrelevant EU measures	Difference (T-N)	Number of EU measures transposed in Romania
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¹³ According to the Methodology presented.

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R	18	0	18	5
Di (1.0)	30	1	29	20
De (0.9)	131	62	69	32
Av (0.2)	0	0	0	0
Rc (0.2)	0	0	0	0
O. (0.1)	14	0	14	4
Total number	193	63	130	61
No. of measures less R	175	63	112	56
Transposition index K_T			53.2%	

Source: Adapted from Progress Editor 12.80, TAIEX (Technical Assistance Information Exchange Office). CD Database, January 2004.

Table no. 14.3

**Legislative Conformity:
Evaluation of the compatibility index
Chapter 14. Energy**

No.	Negotiation chapter	Number of EU measures transposed in Romania	Number of national measures in Romania		Out of which – with compatibility:					
					Total ($C_1 = 1$)		Partial ($C_2 = 0.5$)		Unknown ($C_3 = 0$)	
			Number	%	Number	%	Number	%	Number	%
14	Energy	56	81	100	36	44.4	10+35	55.6	0	0.0
Compatibility index: 72.2%										

Source: Adapted from Progress Editor 12.80, TAIEX (Technical Assistance Information Exchange Office). CD Database, January 2004.



Figure no. 14.1. Estimation of the legislative compatibility index for Chapter 14.

Analysis of the compatibility index depends very much on the estimation of the compatibility coefficient. Although the information in the *Progress Editor 12.80* shows the compatibility of 35 national measures as being “unknown” and, according to the *Methodology*, they should be assigned the compatibility coefficient $C_3 = 0$ (which would lead to a compatibility index of 50.6%), the debates on this issue, together with experts from the integrating Ministry, led to the conclusion that a compatibility coefficient different than 0 would be more appropriate. So, the number of national measures, with partial compatibility, becomes 45. In *Figure 14.1* it is depicted how the compatibility index depends on the compatibility coefficient. As it would be hazardous to assign a certain value to this coefficient, it is preferably to estimate a compatibility coefficient $C_2 = 0.5$ (just for statistical reasons of error minimizing) – to which corresponds a compatibility index of 72.2% (heading to 100%).

Perspectives

During the last week of February 2004 (24-25th of February), the Romanian Prime Minister had meetings in Bruxelles with the President of the European Parliament (Pat Cox), with the President of the European Commission (Romano Prodi), and with the European Commissioner for Enlargement (Guenther Verheugen) – during which he presented an Action Plan including measures with deadlines in June 2004, as well as the Executive’s priorities for concluding the negotiations on the accession chapters. According to the Action Plan presented in Bruxelles, the Government will launch for public debate a legislative package containing projects of law to be finalized by the month of June. In the field of *energy*, the Executive will take measures to:

- accelerate the privatization of the natural gas and electric energy distribution sector;
- finalize the privatization process of SNP Petrom.

Conclusions

1. The negotiation chapter 14. *Energy* was opened during the Spanish presidency (1st semester/2002) and in course of negotiation – with closing perspectives for the end of this year¹⁴.
2. This chapter is difficult from the point of view of legislative transposition and implementation (193 EU measures, 56 measures already transposed through 81 national measures, respectively).
3. In the period January – February 2004, important progress has been made in the field of transposing (from 31.6% to 53.2%).
4. Although transposing regulations is out of the question, we can still talk about a degree of absorption of the regulations in the Romanian legislation of 27.8%: 5 out of 18 regulations (*Table no. 14.2*).
5. The average legislative compatibility index is almost 75% (72.2%). This is mainly because an important number of national measures adopted in Romania (35 out of 81) are declared in the *Progress Editor 12.80* as having unknown legislative compatibility. A more thorough research in this matter and corresponding clarifications are needed.

¹⁴ It was provisionally closed by June 30, 2004.

CHAPTER 15 – INDUSTRIAL POLICIES

Chapter opened **during the Danish presidency (2nd semester / 2002).**

State of the chapter: **chapter provisionally closed – during the Danish presidency (2nd semester/2002).**

Introduction

The Regular Report of the European Commission regarding Romania, from the 5th of November 2003, states about this chapter that “Romania made progress in creating the implementing structures, in continuing privatization. It must accelerate the restructuring and privatization of the strategic industries. The commitments and obligations taken in the negotiations are fulfilled.”

Main results

Synthetically presented, the major indicators for the legislative conformity are¹⁵:

- Transposition index (*Table no. 15.2*): 100%
- Compatibility index (*Table no. 15.3*): ~ 50.0%

The value of the compatibility index heads to 100% (*Figure no. 15.1*), as the coefficient C₂ (corresponding to the legal norms adopted in Romania and considered as having only partial compatibility) increases (*Table no. 15.3*).

Table no. 15.1

Acquis communautaire specific to Chapter 15. Industrial Policies (quantitatively)

Type of EU measure	Total number of EU measures	Number of irrelevant EU measures	Difference (T-N)
R	-	-	-
Di	-	-	-
De	14	12	2
Av	-	-	-
Rc	-	-	-
O.	-	-	-
Total number	14	12	2

Source: Adapted from Progress Editor 12.80, TAIEX (Technical Assistance Information Exchange Office). CD Database, January 2004.

Table no. 15.2

Legislative Conformity:

¹⁵ According to the *Methodology* presented.

Evaluation of the transposition index of EU measures in the Romanian legislation

Chapter 15. Industrial Policies

Type of EU measures (weight)	Total number of EU measures	Number of irrelevant EU measures	Difference (T-N)	Number of EU measures transposed in Romania
R	0	0	0	0
Di (1.0)	0	0	0	0
De (0.9)	14	12	2	2
Av (0.2)	0	0	0	0
Rc (0.2)	0	0	0	0
O. (0.1)	0	0	0	0
Total number	14	12	2	2
No. of measures less R	14	12	2	2
Transposition index K_T			100%	

Source: Adapted from Progress Editor 12.80, TAIEX (Technical Assistance Information Exchange Office). CD Database, January 2004.

Table no. 15.3

Legislative Conformity:

Evaluation of the compatibility index

Chapter 15. Industrial Policies

No.	Negotiation chapter	Number of EU measures transposed in Romania	Number of national measures in Romania		Out of which – with compatibility:					
					Total ($C_1 = 1$)		Partial ($C_2 = 0.5$)		Unknown ($C_3 = 0$)	
			Number	%	Number	%	Number	%	Number	%
15	Industrial policies	2	2	100	0	0	2	100	0	0
					Compatibility index: 50%					

Source: Adapted from Progress Editor 12.80, TAIEX (Technical Assistance Information Exchange Office). CD Database, January 2004.

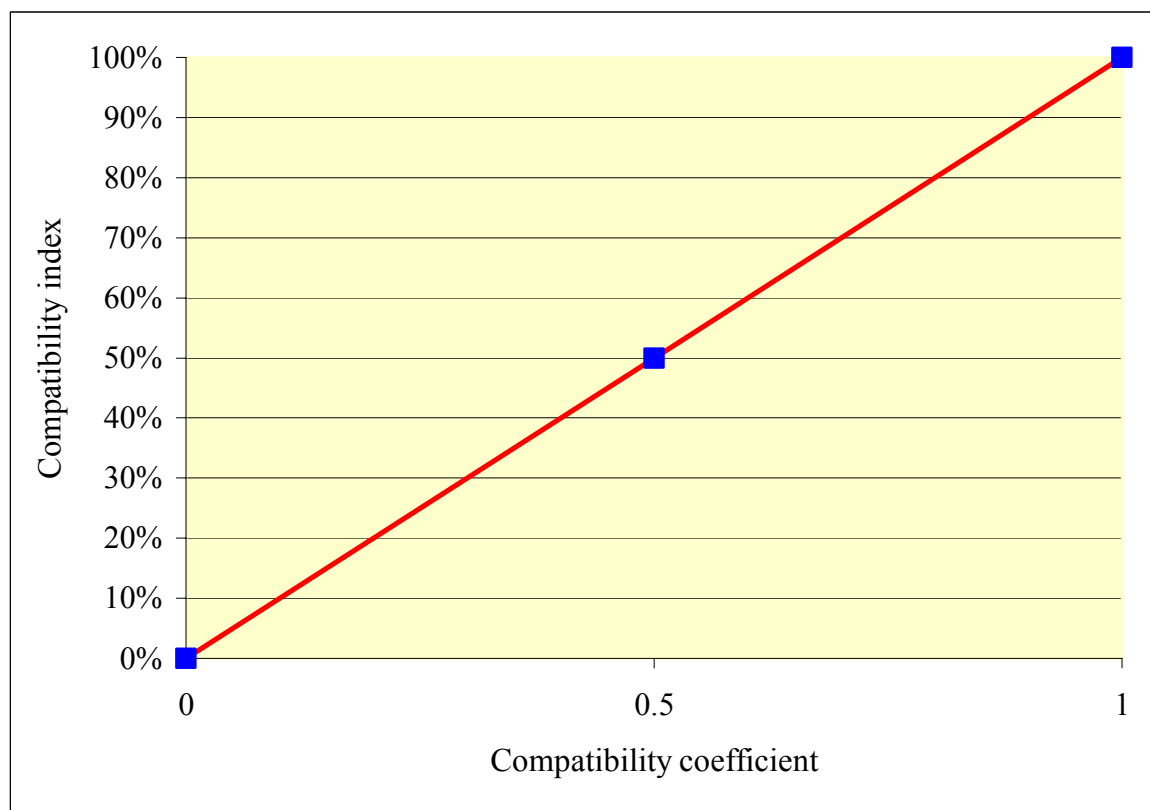


Figure no. 15.1. Estimation of the legislative compatibility index for Chapter 15.

The analysis of the 14 EU measures – together with experts from the integrating ministry in charge (Ministry of Economy and Commerce) – led to the conclusion that only two of these are applicable to Romania, so that, no matter if the transposition index is calculated weighted or not, *the transposition index can be considered 100%* (Table no. 15.2).

Analysis the compatibility index depends very much on the appreciation of the compatibility coefficient. Although the information in the *Progress Editor 12.80* shows the compatibility of the two national measures as “unknown” and, according to the *Methodology*, it should be assigned the compatibility coefficient $C_3 = 0$ (which would lead to a degree of compatibility equal to 0!), the debates on this issues, with experts from the integrating Ministry, led to the conclusion that a compatibility coefficient different from 0 would be more appropriate. In *Figure 15.1* the variation of the compatibility index in function of the compatibility coefficient is presented graphically. As it would be hazardous to give this coefficient a fixed value, it is better to estimate a compatibility coefficient $C_2 = 0.5$ (out of statistical reasons of errors minimizing). This gives us a degree of compatibility of approximately 50.0% (with a large variation up and down, heading to 100%).

Currently, the Ministry of Economy and Commerce develops every semester a programme for transposing the EU directives in the field of industrial policies and analyzes weekly the state of realization; the fixing interventions are performed mainly through the European Integration Directorates. The collaboration with the other ministries is considered very good, delays taking place only locally and isolated (among causes: delays of military postal service; some deficiencies of internal

communication; overloading and the pressure of sometimes bureaucratic tasks, in the conditions of a weak wage motivation – especially for the young public servants).

Perspectives

During the last week of February 2004 (24-25th of February), the Romanian Prime Minister had meetings in Bruxelles with the President of the European Parliament (Pat Cox), with the President of the European Commission (Romano Prodi) and with the European Commissioner for Enlargement (Guenther Verheugen) – during which he presented an action plan including measures with finalizing deadlines in June 2004, as well as the Executive's priorities for concluding the negotiations on the accession chapters.

According to the Plan of action presented in Bruxelles, the Government will launch for public debate a legislative package containing projects of law to be finalized by the month of June 2004. In the field of *industrial policies*, the Executive promises to pass the *Bankruptcy Law* before the summer parliamentary holiday.

The Government will take measures to accelerate the privatization and reduce the bad debts:

- finalizing the privatization process of SNP Petrom;
- reducing – this year – bad debts by up to 0.5% of GDP.

Conclusions

1. The negotiation chapter 15. *Industrial Policies* is provisionally closed.
2. The number of EU legislative measures in the field of industrial policies is relatively small (14).
3. There are no regulations or directives referring to this negotiation chapter.
4. Although only two measures are transposed, the transposition index is practically 100%.
5. The legislative compatibility index is estimated at 50% (*Figure no. 15.1*). Further analysis on this matter is recommended.

CHAPTER 16 – SMALL AND MEDIUM ENTERPRISES

Chapter opened **during the Portuguese presidency (1st semester / 2000)**.

State of the chapter: **chapter provisionally closed – during the Portuguese presidency (1st semester/ 2000)**.

Introduction

The Regular Report of the European Commission regarding Romania, from the 5th of November 2003, states about this chapter that “Romania made considerable efforts to create a better business environment and to solve some important matters in the field of small and medium enterprises. It must continue the efforts of eliminating the obstacles for entrepreneurs and of bettering the sustainable financing sources. The commitments and obligations taken in the negotiations are fulfilled”.

Main results

Synthetically presented, the major indicators for the legislative conformity are¹⁶:

¹⁶ According to the *Methodology* presented.

- Transposition index (Table no. 16.2): 83.1%
- Compatibility index (Table no. 16.3): 90.1%

It has to be noted that the transposition index has higher values if the number of EU legislative measures considered as non-relevant for Romania, is higher.

The value of the compatibility index heads to 100%, as the coefficient C_2 (corresponding to the legal norms adopted in Romania and considered as having only partial compatibility) increases (Table no. 16.3).

Table no. 16.1

Acquis communautaire specific to Chapter 16. Small and Medium Enterprises (quantitatively)

Type of EU measure	Total number of EU measures	Number of irrelevant EU measures	Difference (T-N)
R	-	-	-
Di	-	-	-
De	10	3	7
Av	1	-	1
Rc	-	-	-
O.	-	-	-
Total number	11	3	8

Source: Adapted from Progress Editor 12.80, TAIEX (Technical Assistance Information Exchange Office). CD Database, January 2004.

Table no. 16.2

Legislative Conformity:

Evaluation of the transposition index of EU measures in the Romanian legislation

Chapter 16. Small and Medium Enterprises

Type of EU measures (weight)	Total number of EU measures	Number of irrelevant EU measures	Difference (T-N)	Number of EU measures transposed in Romania
R	0	0	0	0
Di (1.0)	0	0	0	0
De (0.9)	10	3	7	6
Av (0.2)	1	0	1	0
Rc (0.2)	0	0	0	0
O. (0.1)	0	0	0	0
Total number	11	3	8	6
No. measures less R	11	3	8	6
Transposition index K_T			83.1%	

Table 16.3

Legislative Conformity: Evaluation of the compatibility index

Chapter 16. Small and Medium Enterprises

No.	Negotiation chapter	Number of EU measures transposed in Romania	Number of national measures in Romania		Out of which – with compatibility:					
					Total (C ₁ = 1)		Partial (C ₂ = 0.5)		Unknown (C ₃ = 0)	
					Number	%	Number	%	Number	%
16	Small and Medium Enterprises	6	11	100	9	82	2	18	0	0
					Compatibility index: 90.1%					

Source: Adapted from Progress Editor 12.80, TAIEX (Technical Assistance Information Exchange Office). CD Database, January 2004.

The analysis of the 11 EU measures led to the conclusion that only 8 of these are applicable to Romania at the present time, so that *the degree of transposition can be considered 83.1% (Table no. 16.2).*

Conclusions

1. The negotiation chapter 16. *Small and Medium Enterprises* is provisionally closed.
2. This chapter seems to be among the most advanced, benefiting from the relatively small number of EU legislative measures (11) that must be transposed.
3. There are no regulations or directives referring to this negotiation chapter.
4. The transposition of the documents is realized in proportion of over 80% - a notable progress being made in the period January February 2004 (from 54.5% to 83.1%).
5. The legislative compatibility index is among the highest (90.1%), 9 out of the 11 national measures adopted in Romania having total compatibility.

CHAPTER 17 – SCIENCE AND RESEARCH

Introduction

The R&D *acquis* is provided by Article 164 of the E.U. Treaty and the Framework Programme (Article 166). It is meant to increase the R&D contribution to the improvement of the European industry competitiveness and quality of life, the sustainable development by increasing role of R&D in implementation of other Community policies. The EU-Romania Co-operation Agreement is aiming to stimulate the participation in the Framework Programmes.

The negotiations concerning this Chapter started within the Conference on Romania's Accession to the EU held on the 28th of March, 2000, and have been provisionally closed at the Conference on Romania's Accession to the EU of the 1st of June, 2000.

The Report of the Ministry of European Integration on the provisionally closed Chapters in December 2003, pointed out that “the main objective of the Community *acquis* concerning the Chapter 17 is the development of the Community policy in the important R&D fields. Unlike other Chapters, for which the Community provides concrete regulations of implementation, this Chapter benefits by a **different** *acquis* that does not require that additional transposing rules be included in the national legislation. So, it requires only special actions to enforce and implement the legislative measures”.

The *acquis* includes three kinds of measures concerning the following:

- a) Community Framework Programmes (R&D and EURATOM) for 4 years, called “perishable” *acquis*. The purpose of the framework programmes is to solve some problem of common EU interest;
- b) the international co-operation agreements between the E.U. and the third countries;
- c) the creation of the European Research Area.

Romania agreed fully with the Community *acquis* concerning Chapter 17, Science and Research, in force on the 31st of December, 2002.

The commitments made during the negotiations refer to the participation in the Framework Programme VI for 2002-2006 and the implementation of the European Research Area by specific policies aiming to improve the performance of the national R&D system.

According to the *Progress Editor* Programme, version 12.80, containing data available of February 2004, the *acquis* for Chapter 17 – Science and Research consists of 72 measures, that is 3 Regulations, 53 Decisions, 13 Agreements, 2 Protocols and one Memorandum. The EU measures are grouped in 6 sub-Chapters as follows.

Table no. 17.1

Acquis of Chapter 17 : Science and Research

	Sub Chapters	Types of <i>acquis</i> measures										Acquis measures	
		De.		R.		Agreement		Memorandum		Protocol			
		Total	Irrelevant	Total	Irrelevant	Total	Irrelevant	Total	Irrelevant	Total	Irrelevant	Total	Irrelevant
17.10	Research and technological development	15	15	-	-	7	7	1	1	-	-	23	23
17.20	General principles	-	-	1	-	-	-	-	-	-	-	1	-
17.30	Research sectors	-	-	-	-	-	-	-	-	-	-	-	-
17.40	Science	2	1	-	-	-	-	-	-	-	-	2	1
17.50	Addendum 1-1-1999	25	-	2	-	5	5	-	-	-	-	32	5
17.60	Addendum 1-1-2000	11	10	-	-	1	1	-	-	2	2	14	13

Total	53	26	3	-	13	13	1	1	2	2	72	42
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Forty-two EU measures of the *Progress Editor 12.80* Programme are irrelevant for the following reasons:

- they refer to other countries (14);
- they will be valid after the accession (20);
- they are no longer in force (8).

The degree of transposing the 30 relevant measures was assessed in two stages.

In the initial exercise of the *Methodology* implementation we used the data from the *Progress Editor 12.80* version 1st of February 2004, in which all Romanian measures are classified as “unknown compatibility”. According to the calculations based on the *Methodology*, the compatibility degree was equal to nil, which was nonsense. This variant of the *Progress Editor 12.80* specified only three Romanian laws, repeated several times. For example, GO no. 117 of 1999 (concerning the adoption of the terms and conditions for Romania’s participation in the E.C. Programmes for Research, Technology Development and Demonstrations and the Research Programmes and Training) was mentioned fifteen times, although it had been amended and replaced by Law no. 775 of December 29th, 2001.

To update the *Progress Editor* data and make them tally with real facts, we compared (together with the Integration Counsellor at the Research Department of the Ministry of Education, Research and Youth) the R&D *acquis* of *Progress Editor 12.80* with the Romanian legislation referring to the R&D field adopted between 1998-2003. We selected from the Romania legislation the regulations transposing the *acquis* and assessed their degree of compatibility with the transposed measures. We identified 22 Romania regulations transposing the full *acquis* of Chapter 17, and the most of them were compatible to it.

Table no. 17.2

The transposing degree of Chapter no. 17

	SubChapters	Relevant <i>acquis</i> measures	Transposed measures	Degree of transposing %
17.10	Research and technological development	0	0	0
17.20	General principles	-		-
17.30	Research Sectors	0	0-	0
17.40	Science	0	0	0
17.50	Addendum 1-1-1999	20 Decisions 2 Regulations	20 0	100 0
17.60	Addendum 1-1-2000	1 Decision	1	100
	Total	21 Decisions	21	100

Sub-chapter- General Principles contains one Regulation. Its provisions have been introduced into Romanian legislation in order to create conditions for its direct application after accession.

The E.U. document “Summaries of the Legislation – Romania – Research and Innovation. Adoption of the Community *Acquis*” emphasized that Research is a priority issue of the national programme for the

adoption of the Community *acquis*. The 1997 Report of the EU Commission mentioned that “Romania should make considerable efforts to transform the R&D system into an internationally competitive and effective one”. The November 1998 Report revealed the progress made in this respect, also specifying that “the main obstacle against the changes in this area was the general economic situation” and not the legislation.

The Country Report 2002 revealed the progress made in the R&D field, especially in implementing the National RDI Plan and reorganising the R&D Inter-Ministry Council.

The 2002 and 2003 legislation made significant progress in transposing and implementing the R&D *acquis*. So, Romania’s association in October 2002 to the Sixth EU R&D Framework Programme and the Sixth EURATOM Framework Programme was regulated by GD no. 368/2003 (concerning the approval of Romania’s contribution to the budget of the two programmes as well as the approval of the aid offered to the Romanian participants, including provisions stimulating the participation). The GD no. 556/2001 concerning the Updating of the National Research, Development and Innovation Plan (NRDI) provided the extension of the former NRDI Plan till 2005. One of the R&D policy priorities was the establishment of the Centres of Excellence, as a central element of the high-level technical and scientific networks. The Law no. 324/2003 (for the approval of GO no. 57/2002 concerning the scientific research and technological development and the R&D personnel’s status) also support this priority. The establishment of the first technical and scientific park was authorised in October 2002 by the GO no. 14/2002 concerning the establishment and operation of the scientific and technological parks, further approved by Law no. 50/2003. The national contact points were reorganised to improve the participation in the Framework Programme VI.

The problems in the RDI fields were not caused by the Community *Acquis* transposing but by the scarcity of funds allocated. Romania has to increase significantly the financial resources devoted to R&D having in view Barcelona objective of 3% of GDP for R&D field till 2010. At present, this percentage is only 0.38%

According to the Country Report 2003, “Romania’s participation in the Fifth Framework Programmes was not yet fully satisfactory and did not allow the research community to reap the full benefit from the programme. Romania should make further efforts to improve the co-operation between the research sector and the enterprises and to improve the management and co-ordination of the R&D budgetary funds. The information flow on the Programmes needs to be improved in order to increase the knowledge about them and the capacity to deal with relevant procedures”

The assessment of the compatibility degree

The appreciation expressed by the E.U. representatives in relation to the set of laws adopted in 1998 and 1999 (concerning the National RDI Plan), the 1999-2002 laws (concerning the stimulation of the creativity in the field), and, especially, the 2003 statement that “The laws created a financial and managerial framework in accordance with the E.U. procedures” support the conclusion that there is almost full degree of legal compatibility in this field.

According to our estimates, all 21 decisions were transposed by the 23 Romanian laws, out of which 19 are fully compatible with the Community *acquis*. Therefore, **the degree of compatibility** calculated by the ratio of all Romanian fully compatible laws (19), weighted by a significance coefficient equal to 1 and the partially compatible laws (4), weighted by a coefficient equal to 0.5, to all Romanian regulations. **It results a compatibility coefficient of 91%.**

In conclusion, one may say there is a high **degree of concordance** between the Romanian legislation and the Community *acquis* when considering the high value of the two **coefficients: the transposing one is 100 % and the compatibility one is 91%.**

CHAPTER 18 – EDUCATION, PROFESSIONAL TRAINING AND YOUTH

Chapter opened during the Portuguese presidency (semester I/2000).

Current situation: closed temporarily during the Portuguese presidency (semester I/2000).

Romania accepts entirely the relevant *acquis* in the field of “Education, professional and youth training”, in force on December 31st, 2002, without periods of transitions or derogation.

Out of the 58 de EC measures, Romania will transpose only 29¹⁷, because:

- 4 are regulations, which are not transposable (their provisions being introduced in the internal legislation in order to set up the necessary conditions for them to be applied after the adhesion);
- 25 are community acts that do not regard Romania or are not in force anymore.

Main results

- ✓ Level of transposition 84.46%
- ✓ Level of compatibility 81.51%

Table no. 18.1

Evaluation of the transposition level of the EC measures into the Romanian legislation¹⁸

Chapter 18	No. of EC measures	Relevant measures				Transposed measures / taken over dispositions				Level of transposition
		R.	Di.	De.	O.	R.	Di.	De.	O.	
Total	58	4	1	26	2	1	1	22	1	84,67%

Table no. 18.2

Evaluation of the compatibility level¹⁹

Chapter 18	No. of provisions in he Romanian legislation	Compatibility			Compatibility level
		Full	Partial	Unknown	
Total	33	20	13	0	81.51%

As to *the compatibility level*, we should notice that: *the community acquis includes in Chapter 18, mainly, decisions and recommendations of educational and professional training policy that member states must take into consideration in drafting their own national policies.*

¹⁷ Their number is presented in *Appendix no. 10*, for each category.

¹⁸ Calculated according to the *Methodology*.

The educational and professional training policy belongs to the member states' competence, the EU Treaty requiring them only to assure the European extent of the education and professional training. That is why it is difficult to establish the level of compatibility of the national legislation with the *acquis*. Therefore, the level of introduction of the dispositions of the regulations in the Romanian legislation in order to set up the conditions to apply them directly after the accession is of 25.00 %.

Conclusions

Since the last Country Report, Romania made some progress regarding the compatibility with the *acquis* in the above-mentioned domain and the general reform of the educational system.

The Report also mentions that the limited budget for the education sector reduces inevitably the impact of the reforms. New efforts must be undertaken in order to increase the level of enrolling into schools, to improve the educational process and to encourage adults to involve themselves in the professional training.

Romania is fully involved into the second generation of EC programs in the domain of education, professional and youth training. The efforts must continue towards the full implementation of the directive regarding the education of the migrant workers' children until the accession.

CHAPTER 19 – TELECOMMUNICATION SERVICE AND THE TECHNOLOGY OF INFORMATION

Open chapter during the French presidency (2nd semester/2000)

Current situation: temporarily closed chapter during the Danish presidency (2nd semester/2002).

Main results

- | | |
|---------------------------|--------|
| ✓ The transposition level | 83,33% |
| ✓ The compatibility level | 90,00% |

As to the level of taking over the provisions of the regulations into the Romanian legislation, in order to set up the conditions to apply them directly after the accession, it is of 100 %.

In February 2002, the new *acquis* in the field was passed, the candidate countries must transcript and put into practice, till the date of accession, the legislation thus amended. The new *acquis* implementation means the avoidance of any conflict of interests, real or not real, by effectively separating the activities of regulation in the field from the operational interests. This means creating independent authorities for regulation in the field of communication service and separating the authorities responsible for establishing the policy and the legislation in the field from the interest related to shareholder quality.

In the field of telecommunication service, the candidate countries shall:

- pass a national development policy for the telecommunication service sector in accordance with the community policy in the field,
- assure the training of the operators in the telecommunication service in order to cope with the competitive pressure starting with the accession,

- assure the preparation of the telecommunication service market by transcribing and implementing the community legislation, especially the price list's rebalancing,
- assure the enforcement of the legislative framework for regulation in the field through a regulation authority adequately equipped and with a highly trained staff,
- respond to the needs of the under-developed regions in the field of communication service, especially by passing the community policy in the universal service field.

At the beginning, Romania fully accepted the community *acquis* regarding chapter 19 – Telecommunication service and the technology of information, effective from April 30th, 2002, but afterwards the community *acquis* was approved till June 30th, 2002.

Commitments taken during the negotiations

- Setting up the National Authority for the Communication Service Regulation – OUG (Government Urgency Ruling) no 79/2002;
- The liberalization of the communication service market – January 1st, 2003;
- The integral transcription of the new community *acquis* in the field of telecommunication service – 2003.

The community legislation in the field counts 44 legislative deeds, but Romania has to transcribe only 12²⁰. ***The Minister of Communication and the Technology of Information put into practice the new code of regulations regarding the communications and the technology of information (the new acquis). Thus, only the directives from the new acquis were transcribed or still being prepared.***

Romania's current status regarding chapter 19 – Telecommunication Service and the Technology of Information

After the temporary closing of the chapter 19, the activity of elaborating the new legislation concentrated on the four Directives (frame Directive no 2002/21/EC, Directive no 2002/20/EC regarding the authorization, Directive no 2002/19/EC regarding the access, Directive no 2002/22/EC regarding the universal service), regarding the radio spectrum decision and the Regulation no 2887/2000/EC regarding the unconditioned access to the local loop which are part of the new regulation common frame for the networks and the electronic communication services at the European Union's level, as well as regarding the complete liberalization of the communication service market in Romania.

Between April 2002 – January 2004, Romania has made important progresses regarding the establishment of the general frame of communication regulation, giving the operating and installing licenses for the 3rd generation mobile phone network, the privatization process of S.N.Tc RomTelecom S.A (RomTelecom) and the complete liberalization of the communication service in Romania.

Currently, ***Romania is the first European state having a legislation regarding the electronic communication harmonized with the EC Directives in 2002.***

²⁰ Their no is presented, by categories, in the *Appendix no 11*.

Table no. 19.1

Evaluation of the transposition level for the community measures into the Romanian legislation²¹

Chapter 19	No. of community measures	Relevant EC measures				Transposed measures /taken over measures				Transposition level
		R.	Di.	De.	O.	R.	Di.	De.	O.	
Total	44	1	12	0	0	1	10	0	0	83,33%

As for the transposition level we have to mention that out of the two directives which are not transposed yet, 1 shall be fully transposed, and the second shall be partially transposed.²²

Table no. 19.

Evaluation of the compatibility²³ level

Chapter 19	No. of stipulations in the Romanian legislation	Compatibility			Compatibility level
		Total	Partial	Unknown	
Total	10	8	2	0	60,41%

Conclusions

According to the Country Report, presented by the European Commission in November 2003, Romania has reached a considerable level of alignment to the EU legislation in the field of Telecommunication Service.

“Romania shall also take into consideration the separation of the regulation responsibilities from those of property, seeing that MCTI continues to exercise its attributions that the Romanian state has as the main shareholder of certain operators.” The observation regards the spectrum license on which the Government continues to exercise the right of property. The spectrum represents a national limited source. The importance of this resource not only at the national communication service level, but also to the entire economic level, is understood at the international level, giving that the spectrum license is granted under the governmental control.

CHAPTER 20 – CULTURE AND AUDIOVISUAL**Introduction**

The negotiations over this Chapter started at the Conference on Romania’s Accession to the EU held on the 24th of October and temporarily closed at the Conference on Romania’s Accession to the EU, held on the 20th of December 2002.

The EU regulations concerning the audiovisual sector are governed by the free market principle. The EU Treaty contains a large number of articles referring to the audiovisual policy are also found in other Chapters (e.g., Articles 23, 25, 28 concerning the free movement of the goods; Article 39 concerning

²¹ Calculated according to the *Methodology*.

²² According to the communication received from the Minister of Communication and the Technology of Information.

²³ Calculated according to the *Methodology*.

the free movement of the individuals; Article 55 concerning the company right to provide services). The competition rules of the business sector proper play a major role also in this sector.

This Chapter is based on the Directive “Cross border Television” that sets the reference framework for the free movement of the TV broadcasting services within the E.U Member Countries and candidate countries. The purpose of this directive is the promotion of European market of the broadcasting and related activities (TV advertising and audiovisual programmes).

The Directive 89/552/EEC „the Cross border Television” (amended in 1977 by the Directive 36) is the most important regulation concerning the operation of the TV companies of the Member Countries that is applied irrespective of the broadcasting means or the company status (private or public ones). The Directive provides a minimum set of common rules concerning the following: **the movement of the audiovisual programmes across the member countries:** the prohibition against obstructing the cable TV distribution, except for those failing to observe Article 2 concerning the minors’ protection; **publicity:** the length and way of the programme interruption (Article 11) and the ban on the commercials for alcohol, tobacco and certain drugs (Articles 14 and 15); **The protection of the minors:** the ban on programmes that might be harmful to the minors (Article 22); **Broadcasting of events of great public significance:** to be available to anyone (Article 3a); **Right to reply:** to be guaranteed when the individual’s legal rights are denied (Article 23); **Promotion of the European productions** by increasing the broadcasting of the European productions, especially the independent ones (Articles 4, 5 and 6).

„The MEDIA plus” and „Culture 2000” Community Programmes are not by themselves issues to be negotiated, although they support this Chapter.

Romania fully accepted the Community *acquis* concerning the Chapter 20 on the 31st of December 2002.

The commitments made during the negotiations refer to the following: the ratification of the Cross border Television Convention and the Convention amending the former - deadline in 2001; the adoption of the draft law concerning the amendment to the Audiovisual Law 48/1992,- deadline - 31st of March, 2002; the implementation of the PHARE RO 010702 Project „ The adoption and implementation of the Community *Acquis* concerning the audiovisual by Romania . Improvement of the procedure of establishing relevant policies and development of the management capability”, deadline in 2004; provision of at least 30% of the broadcasting time of every audiovisual service provider for Romanian audiovisual productions- from the 1st of January 2004; technical amendments to the Law no. 504/2002, especially those concerning the jurisdiction and broadcasting constraints- deadline in 2004.

The degree of transposing the Community *Acquis*.

The Community *acquis* concerning this Chapter consists of 2 directives, 12 decisions and one resolution. Of all decisions, 4 are not transposed and no longer in force and 4 will be transposed after the accession. The Council Resolution (dated the 27th of January, 2002) concerning the audiovisual sector does not imply, in the opinion of the representatives of the Ministry of Culture and Cults, the adoption of an internal regulation to transpose it.

Therefore, the assessment of the degree of transposing the *acquis* was based on 2 directives and 4 decisions. The Community *acquis* concerning this field was fully transposed by the adoption of the Audiovisual Law no. 504 of the 11th of July, 2002 (GO no. 534 of July 22, 2002). The National Audiovisual Council (NAC), the single regulating body in the audiovisual services sector by law, has already initiated the establishment of the secondary legislative framework for the enforcement of the new law for the strict compliance with the Community *acquis*.

In this respect, the following laws have been adopted: the NAC Decision no. 78/August 8, 2002, concerning the protection of the minors by the programme services; the NAC Decision no. 80/ August 13, 2002, concerning the human dignity protection and the right to one's own image; the GEO no. 74/June 13, 2002, concerning the general framework of the communications regulation for the establishment of the National Regulatory Authority for Communications and its objectives and tasks in relation to the broadcasting license granting; the Law no. 56/2003, concerning the ratification of the European Convention regarding the Cross border television and its Amendment Protocol.

Other regulations adopted by the NAC referred to the harmonious development of the audiovisual market by favouring free enterprise, creative activity and national audiovisual production. For this purpose, the following decisions were adopted: Decision no. 19/2002 concerning the amendment to the Decision no. 65/2000 regarding the mandatory rules of advertising, teleshopping and sponsoring in the audiovisual field; Decision no. 34/2002 concerning the length and framework of the audiovisual programmes of local interests Decision no. 9/2002 concerning the obligations of the licenses in relation to the radio and TV programme recording and the conditions for granting the right to reply.

In 2003, significant efforts were made to work out the Romanian legislation for transposing and implementing the Community *acquis* such as: Law no. 56 (OG 163/March 14, 2003) concerning the ratification of the European Convention regarding the cross border television; NAC Decision no. 57 (OG 19 /March 27, 2003) regarding the protection of the minors by the programme services; NAC Decision no. 123 (OG 479/July 4, 2003) regarding the publicity and teleshopping; Decision no. 122 (OG 480/July 4, 2003) regarding the local broadcasting; NAC Decision no. 257 (OG 675 of September 24, 2003); NAC Decision no. 258 (OG 677 of September 24, 2003) concerning the broadcasting of European programmes; NAC Decision no. 259 (OG 675/September 24, 2003) concerning the audiovisual licenses and satellite broadcasting; Decision no. 261/ 2003 (OG 675/September 24, 2003) concerning the programme broadcasting throughout Romania; Law 402 /2003 (OG 709/October 10, 2003) concerning the amendments to the Audiovisual Law 504/2002.

The Country Report 2003 shows that the adoption of the new Audiovisual Law of July 2002 meant the general harmonisation of the Romanian legislation with the Community *acquis* in this field. Future amendments to the Audiovisual Law are still required. The ratification of the European Convention concerning the cross border television and the adoption of a large amount of recording laws based on the Audiovisual Law are major steps taken in the field from the Country Report 2002. Generally, the Romanian legislation is consistent with the Community *acquis* and for the future amendments, especially to the Audiovisual Law, ensure that the implementation decisions comply with the *acquis*.

In January 2004, further action was taken in relation to the technical assistance to the PHARE RO 010702 Project „ Adoption and Implementation of the Community *Acquis* concerning the Audiovisual in Romania – Improvement of the procedure of establishing relevant policies and development of the management capability”- deadline 2004.

In the **culture** field, the Ministry of Culture and Cults observes the principles under Article 151 of the EC Treaty and promotes them by steady action. Among the priorities one finds the actions to ensure the continuity and development of Romania's culture within the European culture. On the basis of the PHARE Programme “The cultural dimension of democracy” (finalised in June 2001), the MCC worked out its own modern cultural strategy, on a European basis, to be further implemented through EU programmes, such as “Culture 2000” and INTERREG III B CADSES, to which Romania is eligible.

According to Article 151, par. 1 of the E.U. Treaty, Decision no. 508/2000/EC of the European Parliament and Council of Ministers of February 14, 2000, the “Culture 2000” Programme” was set up for five years, i.e. 2000-2004. The MCC considers that the objectives and actions included in the Programme are fully consistent with its own policy in the culture field. The Decision of the EU-RO

Association Council was published on the 17th of October 2001, in relation to the adoption of the terms and conditions for Romania’s participation in the “Culture 2000” Programme. The participation in the INTERREG III B CADSES (2001-2006) allows for structural funding within integrated projects.

The degree of transposing the *acquis* was set as an index, by the ratio of the number of transposed directives and decisions weighted by the significance coefficients 1 and 0.9 to all E.U. relevant measures.

Table no. 20.1

Degree of Chapter no.20 *Acquis* transposing

Sub-Chapter	<i>Acquis</i> measures			Relevant measures			Transposed measures		
	Di.	De.	O.	Di.	De.	O.	Di.	De.	O.
Culture	-	8	-	-	2	-	-	2	-
Audio-Visual	2	4	1	2	2	1	2	2	-
Total	2	12	1	2	4	1	2	4	1

Transposing Degree

Culture: 100 %

Audiovisual: 100 %

Total: 100 %

The degree of compatibility of the Romanian legislation with the transposed *acquis*.

The six relevant Community measures were transposed into the Romanian legislation by 64 regulations, of which 54 are fully compatible and 9 partially compatible. Therefore, the degree of compatibility by calculation is 92.8 % of this entire Chapter.

In conclusion,

The degree of concordance of the Romanian legislation with the Community *acquis* concerning this Chapter is very high. It was assessed by comparing the two coefficients, namely the **transposing coefficient of 100 % and the compatibility coefficient of 92.8 %**.

CHAPTER 21 – REGIONAL POLICY AND COORDINATION OF STRUCTURAL INSTRUMENTS

The methodology proposed for the analysis of the transposition degree for EU *acquis* cannot be applied in the case of 21 Chapter – Regional Policy and Structural Instruments, taking into consideration the specific of this particular domain, the *acquis* being mainly composed by regulations that are directly applicable into Romanian legislation in the accession moment.

CHAPTER 22 – ENVIRONMENT PROTECTION

Chapter opened during the Spanish presidency (semester I/2002).

Current situation: open chapter - under negotiation.

Romania accepts the *acquis* for Chapter 22 – Environment Protection, in force on December 31st, 2000.

Romania will implement the relevant *acquis* until the date of accession, except the following EC acts²⁴:

Air quality:

- Council's Directive no. 94/63/EC, regarding the control of the emissions of the volatile organic compounds (VOC) resulted from the gas storage and its distribution from the terminals to the service stations, for which a 3 year transition period is asked, until 2010.

Waste management:

- Directive no. 94/62/EC regarding the packages and package wastes, for which it is asked a period of transition of 3 years until 2010.
- Directive no. 99/31/EC regarding the storage of wastes, for which it is asked a period of transition of 10 years until 2017.
- Directive no. 2000/76/EC regarding the cremation of wastes, for which it is asked a period of transition of 3 years until 2010.

Water quality:

- Directive no. 91/271/EEC regarding the treatment of urban waste waters, for which it is asked a period of transition of 15 years until 2022.
- Directive no. 98/83/EC regarding the quality of the human consumption water, for which it is asked a period of transition of 15 years until 2022.
- * Directive no. 76/464/EEC regarding the unloading of dangerous substances (and the 7 daughter-directives), for which it is asked a period of transition of 8 years until 2015.
- Directive no. 91/676/EEC regarding the protection of waters against pollution with nitrates issued from agricultural sources, for which it is asked a period of transition of 7 years until 2014.

Industrial pollution control and risk management:

- Directive no. 96/61/EC regarding integrated pollution prevention and control (IPPC), for which it is asked a period of transition of 8 years until 2015.
- Directive no. 1999/13/EC regarding the limitation of emissions of volatile organic compounds due to the use of solvents in certain activities and installations (COV) for which it is asked a period of transition of 8 years until 2015.
- Directive no. 88/609/EEC regarding the limitation of specific pollutants in the atmosphere through large combustion plants (LCP), for which it is asked a period of transition of 5 years, until 2012.

Out of the 303 EC relevant measures Romania must transpose 201²⁵, the remaining 102 community measures are either regulations (out of which - 40 are relevant for Romania) which are not transposable, but their dispositions are introduced into the national legislation in order to set up the

²⁴ Calculated according to Position Document.

²⁵ Presented by categories in *Appendix no. 12*.

conditions to put them directly into force on adhesion, or are no longer in force or don't regard our country (e.g. Directive no. 78/176/EEC regarding the titanium dioxide industry wastes).

Main results

- ✓ Level of transposition 79.60%
- ✓ Level of compatibility 62.00%

As to the level of taking over the provisions of the regulations into the Romanian legislation, in order to set up the conditions to put them directly into force after the adhesion, it is of 72.5 %.

Table no. 22.1

Evaluation of the transposition level of the EC measures into the Romanian legislation²⁶

Subchapter	No. of EC measures	Relevant EC measures				Transposed measures/taken over dispositions				Level of transposition
		R.	Di.	De.	O.	R.	Di.	De.	O.	
Horizontal legislation	31	4	3	1	0	3	3	0	0	76,92%
Air quality	18	0	13	4	0	0	13	1	0	89,73%
Waste management	40	1	17	21	0	1	17	11	0	74,93%
Water quality	22	0	19	1	0	0	19	1	0	100%
Nature protection	20	10	4	3	0	7	4	1	0	73,13%
Industrial pollution control and risk management	65	4	7	31	0	4	7	31	0	100%
Chemical substances and genetically modified organisms	47	12	6	22	5	5	6	7	0	45,89%
Noise	12	0	8	0	0	0	8	0	0	100%
Nuclear security and protection against radiation	20	9	5	2	3	9	5	2	1	90,20%
Climate modifications	5	0	1	4	0	0	1	1	0	41,30%
Civil protection	6	0	0	4	0	0	0	4	0	100%
Policy	3	0	0	9	8	0	0	6	0	55,67%
International cooperation	14	0	0	0	0	0	0	0	0	0
Total	303	40	83	102	16	29	83	65	1	79,60%

Table no. 22.2

Evaluation of the compatibility level²⁷

Subchapter	No. of provisions in the Romanian legislation	Compatibility			Level of compatibility
		Full	Partial	Unknown	

²⁶ Calculated according to the *Methodology*.

²⁷ Calculated according to the *Methodology*.

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Horizontal legislation	8	1	7	0	56.25%
Air quality	88	7	81	0	53.97%
Waste management	72	24	48 ²⁸	0	68.54%
Water quality	109	9	100	0	54.41%
Nature protection	34	5	29	0	57.35%
Industrial pollution control and risk management	59	26	33 ²⁹	0	72.83%
Chemical substances and genetically modified organisms	21	18	3	0	92.85%
Noise	15	1	14	0	53.33%
Nuclear security and protection against radiation	27	6	21	0	61.11%
Climate modifications	6	3	3	0	75.00%
Civil protection	10	2	8	0	60.00%
Policy	12	5	7	0	70.83%
International cooperation	0	0	0	0	0
Total	461	107	354³⁰	0	62.00%

Priorities:

Horizontal legislation:

- transposition:

- ✓ Directive 2001/42/ EC;
- ✓ Directive 2003/4/ EC;
- ✓ Directive 2003/35/ EC;

Waste management:

- transposition:

- ✓ Directive 86/278/CEE;
- ✓ Directive 2000/53/ EC;
- ✓ Directive 2002/95/ EC;
- ✓ Directive 2002/96/ EC.

Water quality:

- transposition: Directive 200/60 by amendment of Law no. 107/1996 – water law.

Industrial pollution control and risk management:

- transposition: Directive 2003/35/EC;

Chemical substances and genetically modified organisms:

- transposition: Directive 98/8/CE.

Noise:

- transposition: Directive 2000/14/ EC.

²⁸ 3 of the Romanian normative acts are 95% compatible, so that a 0.95 coefficient was calculated.

²⁹ A 0.98 coefficient was used for a normative act.

³⁰ The following coefficients were used: 0.95 for 3 normative acts and 0.98 for a normative act.

Proposals of the chapter integrator Ministry – MAPAM

- It is necessary to promote a normative act to support the local budgets in creating/improving the environment infrastructure;
- It is necessary to promote a normative act to ensure the local environment authorities' access to the extra-budgetary funds resulted from the activities they develop;
- It is necessary to supplement the local budgets for the following activities for 2004-2006, as follows:

2004

- wastes storage: 8.9 mil. Euro;
- waste water treatment: 15 mil. Euro;
- drinking water: 2,8 mil. Euro.

2005

- waste storage: 19.39 mil. Euro;
- waste incinerating: 5.5 mil. Euro;
- waste water treatment: 35 mil. Euro;
- drinking water: 20 mil. Euro;
- large combustion plants: 2.6 mil. Euro.

2006

- waste storage: 20 mil. Euro;
- waste incinerating: 5.5 mil. Euro;
- waste water treatment: 40 mil. Euro;
- drinking water: 25 mil. Euro;
- large combustion plants: 1.4 mil. Euro.

CHAPTER 23 – THE CONSUMER AND HEALTH PROTECTION

Introduction

The negotiations concerning this Chapter were initiated and ended at the Romania-EU Association Conference of the 27th of July, 2001. The Amsterdam Treaty recognizes the policy for the Consumer's Protection as an independent policy. Accordingly, Article 153, that is the legal basis of a complex set of action on the European level, stipulates: "The Community shall take action for the protection of the consumer's health, safety and economic interests, as well as the promotion of their right to information, education and organization in accordance with their interests." Fourteen basic directives are attached to the *acquis* relating to this Chapter .

The European Union recognizes five basic rights of the consumers, accepted internationally, as follows: health protection and safety, protection of the financial interests, protection of the legal rights, the right to representation and participation and the right to information and education.

Romania fully accepted the Community *acquis* relating to Chapter 23 in force on 31 December 2002. The commitments made during the negotiations refer to the following: transposing of Council Directive no. 44/1999/EC (relating to the sale of consumer goods and associated guarantees) into the Romanian legislation- deadline 2002; the adoption of a regulation relating to the advertising of good appearing to be beneficial to the consumers' health, to be harmonized with Council Decision 260 of 9th November, 1995- deadline 2002 (not specified in *Progress Editor 12.80*); transposing Council Directives 102/1987EEC, as amended by Council Directive no. 88/1990/EEC, and Directive no. 7/1998/EC relating to the consumer credit into the Romanian legislation- deadline 2003 (still under discussion by Parliament); transposing the Council Directives of Annex 1 to the Council Directive no. 27/1998/EEC on injunctions for the protection of the consumers' interests -deadline 2004; transposing the Council Directive 27/1998/EEC as a whole (on injunctions for the consumers' interests) - deadline: upon accession.

Degree of transposing the Community *acquis*

According to the *Progress Editor 12.80* containing data of 1st February 2004, the Community *acquis* related to this Chapter consists of 16 Directives and 5 decisions. Besides the fourteen main directives specified in the Annex no. 1 as basic elements of the 2002 *acquis*, the package of *Progress Editor 12.80* includes Council Directive no. 65/2002 of the European Parliament and the Council of September 2002 relating to the distance sales of financial services to consumers, that amends Council Directive 619/1990/EEC and Directive no. 27/21998/EC as well as Council Directive no. 7/1997EC.

According to the *Methodology* for the assessment of the transposition degree, the Directives have a higher significance, so their transposition may influence the result decisively. Five of 16 directives specified in *Progress Editor 12.80* have not been transposed, as following: Council Directive no. 102/1987 concerning the consumer credit in the Member States, since a draft law is already under discussion by Parliament; Council Directive on the protection of purchases in the respect of certain aspects of contracts relating to the purchase of the right to use immovable properties on a time-share basis - since a draft law is under discussion by Parliament; Council Directive 27/1998/EC on injunctions for the protection of the consumers' interests (deadline in 2004); Council Directive 65/2002 relating to distance sales of financial services to consumers, to be transposed in 2004 and Council Directive no. 95/2001/EC relating to the general products safety since a draft law is under discussion by Parliament.

Since, according to the commitments made during the negotiations, Council Directive 27/1998/EC is to be fully transposed at the accession time and Annex 1 is to be adopted in 2004, we may eliminate it from calculations. Therefore, the transposition degree index is 75 %. If we consider that Annex 1 to Council Directive 98/27 is not yet transposed, then the transposition degree is diminished accordingly to 68.7 percent. Two of the five decisions of the *acquis* are transposed, 2 are irrelevant to National Agency for Consumers Protection and one irrelevant to Romania. Therefore, the degree of transposing decisions is 100%. The total transposition degree is 74.6 %.

Table no. 23.1

Degree of transposing the *acquis* concerning Chapter 23

Type of Measures	Number of measures	Relevant measures	Transposed measures	Transposing degree (%)
Directives	16	16	11	75
Decisions	5	3	3	100
Total	21	19	18	74.6

The Country Report 2003 specifies that: “the legislation is largely in line with the *acquis*. However the revised directive on the general product safety and directive on liability for defective products still need to be fully transposed. The transposition of the *acquis* on certain aspects of the sale of consumers’ goods and associated guarantees has been delayed. Other directives, such as the ones on the consumer credit (Directive no. 102/1987), the purchase of the right to use immovable properties on a time-share basis (Directive no. 47/1994/EC), supposed to be finalized in 2003, have to be further transposed. The alignment of legislation in relation to non-safety related measures has been slow and a considerable number of directives still need to be transposed into Romanian legislation” For the last two directives, there are draft laws supposed to be enforced in July 2004. Country Report 2003 points out, also, the need to transpose the new *acquis* concerning the protection of the consumers in respect of distance contracts for financial services (Directive no. 2002/65).

Compatibility degree

The 31 Romanian regulations that transposed *acquis* of Chapter 23 are fully compatible with Community *acquis* as shown in *Table no. 23.2*.

Table no. 23.2

Degree of compatibility between the Romanian legislative measures and Community *acquis*

Type of <i>acquis</i> measures	Number of <i>acquis</i> measures	Romanian regulations to transpose the Community <i>acquis</i>		
		Fully compatible	Partially compatible	Compatibility degree%
Directives	16	28	-	100
Decisions	5	3	-	100
Total	21	31	-	100

In conclusion, the degree of concordance between the Romanian legislation and Community *acquis* in 2002 in relation to Chapter 23, based on the comparison between the transposition coefficients and the compatibility ones, is estimated to be relatively high since all measures taken by Romania are fully compatible with the Community *acquis*.

Table no. 23.3

Degree of concordance between the Romanian legislation and Community *acquis* relating to Chapter 23

Type of EU measures	Transposition degree (%)	Compatibility degree (%)
Directives	75	100
Decisions	100	100
Total	74.6	100

Since there are draft laws to be passed by Parliament in relation to the EU measures not yet transposed, we may say that in 2004 there will be a higher degree of concordance between Romanian legislation and Community *acquis*.

CHAPTER 24 – JUSTICE AND HOME AFFAIRS

Chapter opened during the Spanish presidency (semester I/2002).

Current situation: chapter opened, under negotiation.

According to the Position Document, Romania accepts the entire relevant *acquis* in force on December 31st, 2000 does not ask for periods of transition or derogation and will be able to implement it entirely until the date of accession to the EU.

Main results

- ✓ Level of transposition 71,89%
- ✓ Level of compatibility 65,84%

As to the level of taking over the provisions of the regulations into the Romanian legislation, in order to set up the conditions to put them directly into force after the adhesion, it is of 76.92%.

Table no. 24.1

Evaluation of the transposition level of the EC measures into the Romanian legislation³¹

Subchapter	No. of EC measures	Relevant EC measures				Transposed measures /taken over dispositions				Level of transposition
		R.	Di.	De.	O.	R.	Di.	De.	O.	
Asylum	25	1	1	8	12	1	1	8	12	100%
External borders	10	2	-	2	6	2	-	1	2	43,33%
Visas	7	3	-	2	2	2	-	2	0	81,81%
Migration	29	-	1	6	22	-	0	5	20	87,96%
Organized crime, fraud, corruption	65	-	-	15	56	-	-	6	51	63,15%
Drugs	18	-	-	3	15	-	-	1	14	64,91%
Terrorism	6	-	-	-	6	-	-	-	6	100%
Police cooperation	15	-	-	2	11	-	-	0	9	45,00%
Customs cooperation	14	-	-	1	10	-	-	0	7	48,27%
Judicial cooperation in civil matters	24	5	-	1	14	5	-	1	14	100%
Judicial cooperation in criminal matters	32	-	-	4	21	-	-	3	21	88,46%
Financing (Title VI)	10	1	-	4	5	0	-	0	3	8,6%
Human rights	10	-	-	1	9	-	-	0	9	66,66%
Schengen	20	1	1	16	2	0	0	15	0	85,44%
Others	2	-	-	-	2	-	-	-	0	0%
Total	287	13	3	65	193	10	1	42	168	71,89%

³¹ Calculated according to the *Methodology*.

Evaluation of the level of compatibility³²

Subchapter	No. of provisions in the Romanian legislation	Compatibility			Level of compatibility
		Full	Partial	Unknown	
Asylum	72	11	61	0	57,63%
External borders	6	1	5	0	58,33%
Visas	3	1	2	0	66,66%
Migration	93	44	49	0	73,65%
Organized crime, fraud, corruption	199	75	124	0	68,84%
Drugs	60	24	36	0	70,00%
Terrorism	15	1	14	0	53,33%
Police cooperation	24	2	22	0	54,16%
Customs cooperation	14	0	14	0	50,00%
Judicial cooperation in civil matters	51	12	39	0	61,76%
Judicial cooperation in criminal matters	79	22	57	0	63,92%
Financing (Title VI)	4	2	2	0	75,00%
Human rights	10	5	5	0	75,00%
Schengen	1	0	1	0	50,00%
Others	0	0	0	0	0
Total	631	200	431	0	65,84%

Priorities

1. Adopting the Ratifying Law of the international Convention against terrorist bomb attacks (New York, 1997), signed by Romania on April 30th, 1998 – deadline May 2004;
2. Adopting the new Criminal Code – deadline May 2004;
3. Adopting the legislative package regarding child protection – deadline May 2004;
4. Adopting the Law regarding the EC police – deadline May 2004;
5. Adopting the Law regarding the judicial organization – deadline April 2004;
6. Adopting the Law regarding Magistrates statute – deadline April 2004;
7. Adopting the Law regarding penal sanctions against counterfeit of Euro – deadline June 2004;
8. Adopting the Law regarding the fund of seized goods resulted from illegal traffic of narcotics, substances for producing narcotics and other criminal offences – deadline June 2004;
9. Adopting the Law regarding the protection of the informer – deadline May 2004;
10. Adopting the Law amending Law no. 17/1996 regarding the regime of fire weapons and ammunition in view of transposing Directive 91/477/CEE regarding the control of *acquisition* and possession of weapons – deadline May 2004;

³² Calculated according to the *Methodology*.

11. Adopting the Law regarding international judicial cooperation in criminal matters and transposition of the framework Decision regarding the European warrant in the Romanian legislation – deadline June 2004;
12. Adopting Law amending Law no. 178/1997 for the authorization and remuneration of the interpreters and translators used by criminal investigative bodies, by courts, by public notaries, by lawyers and by the Ministry of Justice – deadline May 2004;
13. Adopting the Law approving the Code of ethics and professional conduct of the policeman – deadline May 2004;
14. Adopting the Law regarding the free movement of the citizens of state members of the European Union and of the European Economic Area – deadline May 2004;
15. Adopting the Law amending and supplementing Law no. 7/1972, regarding the criminal record – deadline June 2004;
16. Adopting the Law amending and completing Local Public Administration Law no. 215/2001, as further modified and completed and of other special laws, in view of regulating the issue of financing and removal of corps discovered in hard accessible places – deadline May 2004;
17. Adopting the Law for preventing and sanctioning the act of violence of the spectators during sport events – deadline May 2004;
18. Adopting the Law ratifying the additional Protocol to the European Convention Council regarding cyber crimes related to sanctioning racist or xenophobic acts perpetrated by IT systems, adopted in Budapest, on November 23rd 2001 – deadline April 2004;
19. Adopting the Law ratifying the Agreement between the Romanian Government and the Government of the Rep. of Macedonia regarding the readmission of their own citizens and of foreigners – deadline April 2004;
20. Adopting the Law ratifying the Agreement between the Romanian Government and the Government of the Rep. of Macedonia regarding the cooperation against terrorism, organized crime, illegal drug traffic, psychotropic substances and substances for producing narcotics and other illegal activities – deadline April 2004;
21. Adopting the Law ratifying the Agreement between the Romanian Government and the Government of the Rep. of Turkey regarding the readmission of their own citizens and of foreigners who stay illegally on their territory – deadline April 2004;
22. Adopting the Law ratifying the Agreement between the Romanian Government and the Government of the Arab Rep. of Egypt regarding the cooperation against criminality, signed in Bucharest, on December 3rd 2003 – deadline April 2004;
23. Adopting the Law ratifying the General Convention between the Interior Ministry of Romanian and the Ministry of Foreign Affairs of France regarding the functioning conditions of the Training School for officers of the Romanian Military Police, signed in Bucharest, on December 19th 2003 – deadline May 2004;
24. Adopting the Law ratifying the Agreement between the Romanian Government and the Government of the Rep. of Slovakia regarding the cooperation against organized criminality, illegal narcotics traffic, psychotropic substances and substances for producing narcotics, of terrorism and of other crimes, signed in Bucharest, on October 16th 2003 – deadline May 2004;

25. Adopting the Law modifying and supplementing the Government Urgency Ruling no. 104/2001 regarding the organization and functioning of the Romanian Border Police – deadline May 2004.

Conclusions

As it arises from the Annual European Commission Report in November 2003, in general, the legislative harmonization for this chapter is still variable. Thus, the Report writes, the transposition was rather good in many domains, but in a series of important areas (e.g. especially the Schengen *acquis*,) supplementary efforts are needed.

CHAPTER 25 – CUSTOMS UNION

The negotiations for Chapter 25: - “Customs Union” were opened during the Romania - EU Accession conference held on May 17th, 2001 and were temporarily closed during the Romania - EU Accession Conference held on November 8th, 2002. Romania accepted the entirely Community *Acquis* for the Chapter 21: „Regional policy and coordination of the structural instruments” which was into force on December 31st, 2002 and it had been set the January 1st, 2007 as date as a limit to enter the EU without requesting transitional periods for customs union and commercial policy. The integrator institution for this chapter is The National Authority for Control - The National Authority for Customs.

The *acquis* corresponding to chapter 25 - Customs union includes: Community customs tariff and the provisions for its implementation; the combined system of classification; the common customs tariff including commercial preferences, contingents and suspensions as well as the legislation which exceeds the Community Customs Tariff, such as the legislation for counterfeited goods, drugs forerunner and export of cultural objects. The *Acquis* includes a series of instruments which ensure the functioning of the Customs Union as well as the protection and control of its borders. Without customs union the EU commercial and development policy, the Common Agricultural market and the efficient coordination of monetary and economical policies would not be possible. The *Acquis* requirements regarding the customs union for which were analyzed the transposition level, the translation and revision level, the compatibility levels are the following: general rules, the essential customs code instruments, duties, limits and exemptions, origin of goods, customs procedures, transit of goods, mutual assistance, customs cooperation, movement of goods, customs value.

The measures regarding the transit for goods and mutual assistance (both for duties and recovery of the debts caused by duties applied to agricultural products) **were fully transposed**. For the measures regarding movement of goods and international customs cooperation the transposition level is high. The chapters regarding general legislation, custom tariff, duties, customs procedures and the origin of goods the community measures include regulations for which the transposition level can not be determined. Romania is preparing to adopt the general legislation (reducing waiting time at the border, simplifying customs procedures, developing informational systems which can permit data transfers, customs territory) and customs procedures in such way that our country can be part of the customs Union on the accession moment.

Table no.25.1

Transposition level for Chapter 25 „Customs Union”

Chapter 25: “Customs Union”	Transposition
General legislation	-
Classification and Tariffs	-

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Quotas, ceilings and suspensions	-
Origin of goods	0,0%
Customs procedures	-
Transit of goods	100,0%
Mutual assistance	100,0%
International customs cooperation	76,0%
Movements of goods	81,8%
Customs values	-
Total measures	84,9%

The compatibility of national measures for this chapter is low. Notable efforts were made for the legislation regarding transit of goods, mutual assistance and movement of goods (*Table no. 25.2*).

Table no. 25.2

Compatibility level for chapter 25: „Customs Union”

Chapter 25: “Customs Union”	Compatibility
General legislation	-
Classification and Tariffs	-
Quotas, ceilings and suspensions	-
Origin of goods	0,0%
Customs procedures	-
Transit of goods	53,0%
Mutual assistance	50,0%
International customs cooperation	42,2%
Movements of goods	50,0%
Customs values	-
Total measures	51,0%

This chapter contains a significant number of regulations (141) from which more than half were adopted (*Table no. 25.5*). Full adoption covers customs procedures (regulation no. 301/95 which establishes the procedures with regard to textile products and clothing) and transit of goods (the Agreement between the EU and European Association of Free Exchange with regard to simplification of customs procedures, EU - EAFE Agreement regarding common transit procedures, the regulation no. 2011/89 which modifies the EU - EAFE Agreement regarding simplification of customs procedures). Important efforts for adoption were made in the case of international customs cooperation.

Table no. 25.3

The taking over level of regulations for Chapter 25: „Customs Union”

Custom Union	Total measures	Regulations					
		Total		Adopted		Unrelevant	
		No.	%	No.	%	No.	%
General legislation	27	26	96,3	25	96,2	1	3,8
Classification and Tariffs	26	26	100,0	14	56,0	1	3,8
Quotas	28	28	100,0	3	15,0	8	28,6
Origin of goods	9	5	55,6	0	0,0	1	20,0

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Customs procedures	2	1	50,0	1	100,0	0	0,0
Transit of goods	36	5	13,9	5	100,0	0	0,0
Mutual assistance	9	8	88,9	3	37,5	0	0,0
International customs cooperation	58	32	55,2	25	78,1	0	0,0
Customs values	11	10	90,9	0	0,0	0	0,0
Total measures	209	141	67,5	76	58,5	11	7,8

Romania has also adopted legislation to consolidate the respecting of the intellectual property rights during the customs procedures and to apply community regulations regarding the customs classification of goods. Free trade agreements with Estonia and Leetonia are still opened to discussions. Notable efforts are made to increase administrative capacity, to protect the intellectual property rights through intensification of the controls at the border with regard to the counterfeited lots of goods. Along the reporting period, Romania has signed cooperation agreements with REACT. Some progresses were made in the preparations regarding the integration of the Romanian Integrated Customs Code into the one of the European Community. The National Customs Authority was created in July 2003 and is responsible, amongst with coordination of the customs agencies.

To improve the transparency of the customs operations a number of consultative committees were set up between the customs administration and the professional associations. In the future the collaboration activity between these organisms has to intensify. The dialogue has the role to improve the Romanian customs system. The modernizing of the customs infrastructural system has made progresses as well as the signing of several agreements with neighbor countries (Hungary, Ukraine), the elaboration of the national programs regarding the improvement of the customs system. As far as the customs informational system and the interoperability are concerned progresses were made in the suspensive procedures module, accountancy module (restricted for specifically customs points or regional directions) and different internal administrative systems. Romania has signed on July 2003 an Understanding Memorandum regarding participation at the 2007 Customs Program.

The European economical accession process is based on a Customs Union between the member states, toward which our country has to make important steps, at least in the field of harmonization of the legislation

Table no. 25.6

The synthesis for Chapter 25 „Customs Union”

Chapter 25 „Customs Union”

Transposition level	23,4%
Compatibility level	51,0%
Taking over level of the regulations	58,5%

A constant progress was made by Romania for this chapter. Even though it has a high transposition and compatibility level it has to be kept in mind that those were secondary measures and that for the primary *Acquis* the efforts needed to prepare the transposition moment have to be intensified. The attention should be guided towards:

- The complete harmonization of the customs legislation;
- The implementation of the computerized systems compatible with those of the EU in order to become interoperable.

Additional efforts are needed to prevent the corruption in the customs administration and to prepare the measures which will be introduced on the accession moment. Negotiation for this chapter has been

closed. Romania did not request transitional agreements. According to EU assessments Romania fulfills, in general, the requests and the engagements taken during the negotiations for accession in this area.

CHAPTER 26 – EXTERNAL RELATIONS

Chapter open during the Portuguese presidency (semester I, 2000).

Current situation: chapter closed temporarily during the Portuguese presidency (semester I/2000).

According to the Position Document, Romanian accepts the community *acquis* and deems itself able to implement it entirely at the moment of the adhesion.

Main results

Chapter 26 – External Relations refers to the economic and trade relations of the European Communities with third countries regarding the import, the export, the commercial defense measures, the relation with the WTO and the international trade framework, as well as the economic cooperation and the development assistance.

With the European Agreement, Romania is already part of the common trade policy of the European Communities, where it cooperates tightly with the European Community within the WTO and other international forums.

The current policy to conclude free trade agreements is in accordance with the policy of the European Union. Romanian has concluded free trade agreements with those countries having negotiated similar agreements with the European Union.

The Romanian legislation for trade and external relations' policy is, to a great extent, in accordance with the community legislation. Implementing the *acquis* won't require setting up new institutions and administrative structures. Romanian will provide the necessary infrastructure, the data basis and the staff training that will allow implementing and effectively enforcing the *acquis* at the time of the adhesion. Romania will put into effect the common customs tax on the day of the adhesion at the latest.

While negotiating this chapter, commitments were made such as:

- assuring the full compatibility between the national legislation and the community *acquis* regarding the control of the export of double use goods and technologies;
- rendering compatible all the agreements and the bilateral treaties of Romanian with its responsibilities as EU member, especially with regard to trade, economic and technical cooperation;
- preparing to put into practice the Common integrated Customs Tax, objective to be reached in 2005, etc.

World Trade Organization

Founding member of WTO, Romania put into practice, starting with January 1st, 1995 the provisions of the Marrakesh Treaty. Ratifying this Treaty, Romanian has become part of the multilateral agreements and of three of the plurilateral agreements within WTO, ratifying the Informational Technology Agreement (ITA) as well enforced on January 1st, 1998.

Although Romanian's adhesion to the European Union won't bring about major changes regarding Romanian's responsibilities within WTO, our country undertakes to intensify the cooperation with the

European Union, so that the commitments taken during the future multilateral trade negotiations should be in accordance with the object of the accession to the European Union.

With regard to the public purchase, Romania adopted the regulation judicial framework in accordance with the provisions of the relevant community directives.

Romania has been part of the Treaty on civil aircraft negotiated within GATT since 1979.

Service Trade - GATS

Romania took part in the negotiations within GATS ratifying Protocol No. IV on the fundamental telecommunication services (TELECOM) on January 19th, 1998 and Protocol No. V on financial services on January 18th, 1999.

Preference General System (PGS)

Currently, Romania benefits from a preference treatment given by donor developed countries within the Customs Preference General System (PGS). On accession, Romania will adopt the general preferences schemes put into effect by the European Union.

Export credits and trade defense instruments

The existing national regulations on export credits are in accordance with those of the European Union.

Double use goods trade

The national regulations in force are in accordance with those of the European Union. Romania will see to the full compatibility between its legislation and the community *acquis* for the double use goods until the accession.

Mutual acknowledgement agreements

Romania is undergoing the process of harmonizing its legislative system with the relevant community *acquis*.

Textile goods trade

During the pre-accession period, Romania will pass normative acts to monitor and implement the Community's policy on the textile goods and will consult the Commission before taking measures to integrate the goods or the quota in the Agreement on the textile and clothes to provide the maximum compatibility with the procedures of the European union.

Bilateral and multilateral cooperation with third countries

When joining the European union, Romania will render compatible with its responsibilities as a member all its agreements and its treaties, especially those on trade, economic and technical cooperation and investments. Taking into consideration the privileged relations between Romania and Republic of Moldova, our country will encourage the relations between EU and Republic of Moldova, in accordance with the common trade policy when Romania will become a member state.

At the same time, Romania will require to become part of the Agreement on the European Economic Area (EEA), according to article 128 of EEA.

Sanctions and Human rights

In relation with third countries, Romania uses the same principles as the European Union.

Taking into account the nature of this chapter, that is the fact that the harmonization of the Romanian legislation with the community *acquis* implies rendering compatible the trade agreements to which Romania is part, the compatibility level of the Romanian legislation with the community *acquis* cannot

be calculated. Therefore, Romania has to carry on the renegotiation or the denunciation of its bilateral investment treaties to render them in accordance with its responsibilities as member state on the adhesion.

Priorities

As a consequence of concluding the Understanding Memorandum with the USA on the bilateral investment treaty (BIT), Romania has to see to ratify the BIT Additional Protocols, which were concluded with the USA as well, so that, on the adhesion, the adjustments should be in force.

Romania has also the intention to renegotiate, in order to assure their compatibility with the community *acquis*, the Agreement between the Romanian Government and the Canadian Government on promoting and mutually protecting the investments (concluded in Bucharest on April 17th, 1996), The Trade and Navigation Agreement between Romania and Japan (concluded in Tokyo on September 1st, 1969), as well as The Trade and Payment Agreement between the Romanian Government and the Japanese Government (concluded in Tokyo on November 30th, 1960).

Concerning the Legislation, Romania has to pass the law to sanction Romania's participation in the Australia Group to control the exports in order not to proliferate chemical and biological weapons.

Conclusions

According to the European Commission's Treaty in November 2003, Romania continued to harmonize with the *acquis* on the common trade policy. Therefore, Romania coordinated its positions and policies within WTO and complied with its international responsibilities, including those in the European treaty. It has also made some real progress regarding the conclusion of bilateral treaties with third parties.

CHAPTER 27 – THE FOREIGN AND COMMON SECURITY POLICY

Chapter open during the Portuguese presidency (semester I/2000).

Current situation: temporarily closed chapter during the Portuguese presidency (semester I/2000).

According to the Position Document, Romania is ready to accept and to put into effect the *acquis* in the field of Foreign and Common Security Policy (FCSP) of the European Union (EU). The structures needed in order to put it into practice were created, and the Romanian foreign and security policy is based on the same principles and has the same orientation as that promoted by the European Union.

Romania is able and ready to fully take part and actively to the Foreign and Common Security Policy. This have been proved by the active participation to the political dialog with the member states, developed within the framework of the Union's foreign policy and security structures, as well as by the consequent alignment and the support shown for the declarations, the approach, the positions and the common actions of the EU, opened to the candidate states' participation.

At the community level, there are 348 legislative deeds relevant in this field, allotted as follows:

- Decisions – 104;
- Regulations – 71;
- Others – 173.

Out of a number of 348 community measures, only 90³³ are relevant for Romania because:

- 20 are regulations that cannot be transcribed into the Romanian legislation (their provisions are taken over into the national judicial order to set up the conditions to put them onto force directly on adhesion);
- 60 shall be enforced only after the date of adhesion (25 regulations; 22 decisions; 13 other community documents);
- 178 are nor relevant for our country or they are not effective any more (26 regulations; 46 decisions; 106 other community measures).

Main results

- ✓ The transposition level 57,00%
- ✓ The compatibility level 100%

Table no. 27.1

Evaluation of the transposition level for the community measures into the Romanian legislation³⁴

Foreign and Common Security Policy (FCSP)	No. of community measures	Relevant EC measures			Transcribed EC measures / taken over dispositions			Transposition level
		R.	De.	O.	R.	De.	O.	
Total	110	20	36	54	20	20	33	57,00%

In the case of the Regulations, we have to mention that their provisions have been introduced into the Romanian legislation **100%!**

Table no. 27.2

Evaluation of the compatibility level³⁵

Foreign and Common Security Policy (F.C.S.P)	No. of stipulations in the Romanian legislation	Compatibility			Compatibility level
		Total	Partial	Unknown	
	161	161	-	-	100%

Conclusions

According to the Country Report presented by the European Commission in November 2003, Romania confirmed the fact that it is on the right track regarding its alignment to FCSP. Romania went on playing the same important role as regional leader in the efforts of reinforcing the South East European stability.

³³ See *Appendix no. 16*.

³⁴ Calculated according to the *Methodology*.

³⁵ Calculated according to the *Methodology*.

The Romanian Minister of Foreign Affairs' public servants can implement successfully the provisions regarding the FCSP. The Minister of Foreign Affairs has a European Counterpart, but has no permanent Politic Director. Currently, the Politic Director's tasks are taken on during the reunions of cooperation with the EU and Romania intends to make major changes in this regard in the future. The Minister of Foreign Affairs is connected to the Network of Correspondents' IT system in the associated countries through which EU communicates with the associated partners in the field of FCSP.

There are few fields in which additional efforts are necessary, but the legislation regarding the weapons' control and economic sanctions must be completed and the administrative structures to participate to the FCSP must be finished.

CHAPTER 28 – FINANCIAL CONTROL

Chapter open during the Spanish presidency (semester I/2000).

Current situation: temporarily closed chapter during the Italian presidency (semester II/2000).

Romania agrees and shall fully put into effect, till the date of adhesion, the community *acquis* regarding Chapter 28 – The Financial Control, in effect on December 31st, 2000.

Main results

- ✓ The transposition level 100%
- ✓ The compatibility level 90%

The community *acquis* has 13 legislative deeds out of which Romania shall transpose only 2 legislative deeds³⁶, the other are not relevant for our country because:

- 6 are regulations that are not transposed, but their provisions are taken over in the Romanian legislation in order to set up the conditions to put them into force after the adhesion;
- 2 decisions are relevant for Romania only after the moment of the adhesion ;
- 1 document is not relevant for Romania.

Table no. 28.1

Evaluation of the transposition level for the community measures into the Romanian legislation³⁷

	No. of community measures	Relevant EC measures			Transcribed EC measures / taken over measures			Transposition level
		R.	De.	O.	R.	De.	O.	
Total	13	5	2	0	5	2	0	100%

³⁶ See *Appendix no 17*.

³⁷ Calculated according to the *Methodology*.

Evaluation of the compatibility level³⁸

Financial control	No. of stipulations in the Romanian legislation	Compatibility			Compatibility level
		Total	Partial	Unknown	
	25	0	25	-	90%

We must notice that the taking over of the provisions and regulations into the Romanian legislation was achieved 83.33%.

Priorities

The development of the control and the National Audit Office's financial audit, the correct implementation of the stipulation regarding the irregularities' treatment, the European Community's financial interests' protection, the control and the recover of the community funds and of the respective co-financing funds, the improvement of the working procedures regarding the management of the community funds.

The enforcement of the institutional and administrative capacity with reference to the future structural funds' management and financial control.

Conclusions

According to the Country Report presented by the European Commission in November 2003, in the field of financial control considerable progress has been obtained, especially with reference to the internal public financial control and the external audit.

For Romania, the enforcement of the administrative capacity of the newly created structures remains a priority. Romania must concentrate its efforts to create strong financial control systems (with reference to the internal public financial control as well as with reference to the external audit) by completing the alignment of the legislation, by implementing the structural changes and by enforcing the administrative capacity of the internal public financial control. In the field of the community interest's protection, the legislation must be continuously aligned and the administrative capacity must be assured from now on.

CHAPTER 29 – FINANCIAL AND BUDGETARY STIPULATIONS³⁹

Chapter open during the Danish presidency (2nd semester/2002).

Current situation: open chapter, under negotiation.

Romania accepts the community *acquis* regarding Chapter 29 "Financial and budgetary stipulations", effective on December 31st, 2000.

³⁸ Calculated according to the *Methodology*, with the following notification: the partial compatibility was calculated with a 0,9 coefficient instead of a 0,5 coefficient (because the MFP experts indicate measures' compatibility in this field of 90%).

³⁹ It was provisionally closed by June, 2004.

Through the Position Document, Romania asks for a transitory arrangement regarding the payment of the integral contribution to the European Union budget, because it needs the position of plain beneficiary in relation to the general budget of the European Union, starting with the first year of its membership. Our country also asks for a subsequent negotiation for the formula and the duration of the transitory arrangement, as a result of the negotiation for other chapters. Despite all these, the European Union believes that putting forward a decision regarding any transitory arrangements which can be approved in the context of the EU budget is premature, because it is difficult, during this step, to evaluate Romania's budgetary position till the date of its adhesion.

The community *acquis* in this field is structured as follows:

- Budgetary system in Romania;
- Romania's contribution to the EU budget;
- Financing the EU budget;
- Other institutions financed by the member states' contribution.

The provisions of the community legislative deeds' mentioned hereinafter that make up the *acquis* of the chapter no. 29 "Financial and budgetary stipulations", do not require a transposition into the Romanian legislation. Romania shall put into force the current regulations at the moment of its adhesion:

- The Council Regulation no. 1605/2002 on June 25th, 2002 with reference to the financial regulations applicable to the European Community's general budget; the Commission Regulation no. 2342/2002 on December 23rd, 2002 that presents detailed rules regarding the putting into effect of the Council Regulation no. 1605/2002 regarding the financial standing order applicable to the European Community's general budget;
- The Council Regulation (C.E.E., EURATOM) no. 1553/89 on May 29th, 1989 regarding the homogenous definitive arrangements for collecting its own resources from VAT;
- The Council Decision no. 597/2000 regarding the European Community own system of resources; the Council Regulation no. 1150/2000 on May 22nd, 2000 which puts into effect the Decision no. 728/1994 regarding the European Community's own system of resources;
- The Commission Decision no. 245/1997 on March 20th, 1997, which establishes arrangements for the transmission of information to the Commission from the member states, within the framework of the European Community's own system of resources;
- The Council Regulation (CE, Euratom, CECO) no. 260/1968 on February 29th, 1968 regarding the establishment of the conditions and the procedure for charging the tax for the benefit of the European Community;
- The Council Regulation no. 1026/1999 establishing the powers and the obligations of the agents authorized by the Commission to control and inspect the Community's own resources.

During the negotiations for this chapter, Romania has to prove the consolidation of the concerned institutions' and structures' administrative capacity. The national legislation which governs and controls the aspects from the mentioned community documents, in order to reflect the budgetary principles and regulations at the general standards applicable within the Community, is made up by a series of legislative deeds, being relevant in the following fields:

- Budgetary system;
- Public purchase;

- Preventive control and internal audit;
- Public accounting;
- Financial management of the community funds.

Thus,

- the functioning of the community budget, the rules and the calculation procedures (the technical aspects) are not negotiable and become effective from the first day of adhesion. In this context, DG Budget (the European Commission) is interested in two main aspects within the candidate countries, namely:

➔ the general assessment of the budgetary systems (the public expenses management, the financial discipline, the control, the legislative framework that governs the budgetary process, etc.);

➔ to assure the enforcement of the Community's own system of resources by the candidate countries.

-with reference to putting into effect of the Council Regulations (C.E.E., EURATOM) no. 1553/89 on May 29th, 1989 regarding the homogenous definitive arrangements for collecting its own resources from VAT and for the Regulation no. 1150/2000, it is very important to assure the fact that the procedures and the correspondent techniques in the field of calculating, collecting, paying and controlling its own resources are enforced and the information is reported to the EU. Therefore, Romania prepares itself to put into effect the *acquis* regarding its own resources and to create a framework for assuring transparent and efficient financial flows towards the EU budget by enforcing the administrative capacity – the application model provided by the Commission Decision no. 245/1997 that establishes the arrangements for the transmission of the information to the Commission by the member states, within the framework of the Community's own system of resources, shall be take over by the National Custom Authority at the moment of the adhesion.

- to assure the agents authorized by the European Commission a treatment resembling the treatment of the national inspectors, by the Government Ruling no. 119/1999 regarding the internal public audit and the preventive financial control, amended and completed by Law no. 84/2003, the right to accede to all the data and information is stipulated, including those existent in electronic form, for the European Community's inspectors, for controlling and inspecting at the scene, in order to protect the European Union's financial interests. Thus, there are similar rights for internal auditors and for the European Communities' representatives (to put into force the Council Regulations no. 1026/1999 establishing the powers and obligations of the agents authorized by the Commission to control and inspect the Community's own resources).

Taking into account the nature of this chapter, namely:

- community documents that need not to be transcribed and

- the connection between the present chapter and other chapters of negotiation (those regarding the agriculture, taxation, statistics, regional policies and the structural instruments coordination, the economic and monetary Union, the foreign relations and the financial control),

the compatibility level of the Romanian legislation with the community *acquis* in the field can not be assessed.

Priorities

In the Country Report, presented by the European Commission in November 2003, it is mentioned that Romania must go on with the enforcement of the administrative and technique capacity for preparatory activities with reference to its own resources management.

For the traditional resources, Romania must develop an adequate system of reporting the fraud and irregularities cases. The accounting requirements (the accounts A and B) shall be established before the adhesion, as well as the necessary systems and procedures for calculating the taxes for sugar.

Romania must also go on with the efforts for the fighting against fraud in the VAT field. Regarding its own resources, Romania shall develop its capacity of calculating the VAT basis. Efforts to improve collecting the VAT are still needed.

As for the VNB resource, Romania shall continue implementing ESA 95 and shall pay a special attention to the quality of methodological improvements for calculating VNB and national accounts.

The unit coordination of the own resources within the Public Finance Minister must strengthen its procedures, organization arrangements and the capacity to set up a framework for the financial flow transparency and efficiency from and towards the EU budget. Moreover, having in view the necessity of the central coordination for an effective supervision, collecting, payment and control of the funds towards the EU budget, Romania must continue the enforcement of the administrative capacity within the context of the other relevant policies described in the report such as agriculture, customs and regional policy.

LISTA STUDIILOR – PAIS II



INSTITUTUL EUROPEAN DIN ROMÂNIA

Lista studiilor care se realizează în cadrul proiectului PAIS II

1. Evaluarea gradului de concordanță a legislației române cu *acquis*-ul comunitar, pe capitole de negociere
2. Strategii de politică monetară și curs de schimb în contextul aderării României la UE.
3. Implicațiile adoptării *acquis*-ului comunitar asupra controlului financiar în România
4. Politica Europeană de Securitate și Apărare – element de influențare a acțiunilor României în domeniul politicii de securitate și apărare
5. Fenomenul migraționist din perspectiva aderării României la UE
6. Cerințe specifice gestionării și implementării Fondurilor Structurale. Experiența țărilor candidate în pregătirea pentru gestionarea Instrumentelor Structurale
7. Studiu suport pentru elaborarea Planului de Acțiune privind depozitarea deșeurilor industriale în vederea conformării cu legislația europeană
8. Analiză comparativă state membre – state candidate privind armonizarea prevederilor legale în domeniul insolvenței și falimentului
9. Soluții și opțiuni de management financiar pentru asigurarea unei creșteri reale a nivelului pensiilor în România
10. Ajutoarele de stat în sectoarele sensibile concurențial (cărbune, siderurgie, construcții navale, construcții, autovehicule, transporturi)
11. Ierarhizarea priorităților de dezvoltare agricolă și rurală în România. Influențele noii reforme a Politicii Agricole Comunitare
12. Evaluarea costurilor și beneficiilor aderării României la UE

ECHIPA DE ELABORARE A STUDIULUI

(ECHIPA DE CERCETĂTORI)

No..crt.	Membrul echipei	Organizația	Poziția
1.	Augustin FUEREA Coordonator	Universitatea din București	Profesor universitar doctor
2.	Cezar SCARLAT Membru	Universitatea “Politehnica” din București	Profesor universitar doctor
3.	Gheorghe HURDUZEU Membru	Academia de Studii Economice din București	Profesor universitar doctor
4.	Steliana SANDU Membru	Institutul de Economie Națională	Șef de Departament
5.	Cristian PAUN Membru	Academia de Studii Economice din București	Lector universitar doctorand
6.	Roxana-Mariana POPESCU Membru	Universitatea “Dimitrie Cantemir” din București	Lector universitar doctorand

PREZENTAREA PROIECTULUI

(în vederea interviurilor)

Evaluarea gradului de concordanță a legislației române cu *acquis*-ul comunitar, pe capitole de negociere

Studiu elaborat sub egida *Institutului European din România*, în cadrul
Proiectului european PAIS II (Pre-Accession Impact Studies)

Studiul No. 1 („Evaluarea gradului de concordanță a legislației române cu *acquis*-ul comunitar, pe capitole de negociere”), din cadrul proiectului PAIS II (Pre-Accession Impact Studies) are următoarele obiective:

- I. să evalueze măsura în care legislația națională a fost armonizată cu prevederile comunitare corespunzătoare;
- II. să identifice domeniile pentru care mai rămân reglementări comunitare care trebuie transpuse în legislația națională.

Domenii de interes – pe capitole de negociere:

1. gradul de concordanță a legislației naționale cu legislația comunitară;
2. reglementările comunitare care trebuie transpuse în legislația națională. La acest punct, vor fi identificate acele reglementări comunitare – pe domenii – care, încă, nu au fost transpuse în legislația națională. Totodată, trebuie arătate modificările care trebuie operate la nivelul legislației naționale. Dacă este cazul, vor fi subliniate problemele sensibile ținând de concordanța legislației naționale cu cea comunitară;
3. propunerile privind prioritățile referitoare la transpunere.

Raportul (redactat în limba română și în limba engleză) va avea următoarea structură:

- A. Concordanța legislației naționale cu legislația comunitară (numeric și în procente);
- B. Propuneri privind priorități referitoare la transpunere.

(nume și prenume), membru al echipei de cercetare

Persoană de contact (pentru detalii, trimiterea materialelor): Roxana-Mariana Popescu (tel. _____; e-mail _____).

Transposition and compatibility level for Chapter 1: „Free movement of goods”

Goods	Total measures	Directive - transposition						Decision - transposition						Others - transposition					
		Total		Transposed		Not relevant		Total		Transposed		Irrelevant		Total		Transposed		Irrelevant	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Motor vehicles	214	101	47.2	91	90.1	0	0.0	113	52.8	0	100.0	113	0.0	0	0.0	0	100.0	0	0.0
Foodstuffs	92	56	60.9	46	82.1	0	0.0	17	18.5	3	27.3	6	35.3	0	0.0	0	100.0	0	0.0
Chemical products	28	26	92.9	22	84.6	0	0.0	1	3.6	1	100.0	0	0.0	0	0.0	0	100.0	0	0.0
Medicines	32	19	59.4	17	89.5	0	0.0	1	3.1	1	100.0	0	0.0	0	0.0	0	100.0	0	0.0
Cosmetics	12	9	75.0	7	100.0	2	22.2	1	8.3	1	100.0	0	0.0	0	0.0	0	100.0	0	0.0
Metrology	27	26	96.3	26	100.0	0	0.0	0	0.0	0	100.0	0	0.0	1	3.7	0	0.0	0	0.0
Electrical equipments	6	6	100.0	6	100.0	0	0.0	0	0.0	0	100.0	0	0.0	0	0.0	0	100.0	0	0.0
Telecommunication	49	2	4.1	2	100.0	0	0.0	44	89.8	16	38.1	2	4.5	1	2.0	0	0.0	0	0.0
Toys	3	1	33.3	1	100.0	0	0.0	2	66.7	0	0.0	0	0.0	0	0.0	0	100.0	0	0.0
Other goods	91	27	29.7	27	100.0	0	0.0	60	65.9	55	93.2	1	1.7	4	4.4	0	0.0	0	0.0
Procedural measures	7	1	14.3	1	100.0	0	0.0	6	85.7	1	16.7	3	0.0	0	0.0	0	100.0	0	0.0
Other measures	35	13	37.1	11	84.6	0	0.0	19	54.3	1	20.0	14	0.0	0	0.0	0	100.0	0	0.0
TOTAL	596	287	48.2	257	90.2	2	0.7	264	44.3	79	29.9	139	52.7	6	1.0	0	0.0	0	0.0

Goods	To be transposed	Directive - compatibility								Decision - compatibility									
		Compatibility		Total		Partial		Unknown		Compatibility		Total		Partial		Unknown			
		No.	Comp.	No.	%	No.	%	No.	%	No.	Comp.	No.	%	No.	%	No.	%		
Motor vehicles	101	182	99	181	99.5	0	0.0	0	0.5	0	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Foodstuffs	85	124	69	70	56.5	30	24.2	24	19.4	4	75.0	3	2.4	0	0.0	1	0.8	1	0.8
Chemical products	28	50	74	28	56.0	18	36.0	4	8.0	4	50.0	1	25.0	2	50.0	1	25.0	1	25.0
Medicines	32	79	77	42	53.2	37	46.8	0	0.0	1	50.0	0	0.0	1	100.0	0	0.0	0	0.0
Cosmetics	10	13	100	13	16.5	0	0.0	0	0.0	1	100.0	1	100.0	0	0.0	0	0.0	0	0.0
Metrology	27	46	84	36	78.3	5	10.9	5	10.9	0	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Electrical equipments	6	26	100	26	56.5	0	0.0	0	0.0	0	100.0	0	0.0	0	0.0	0	0.0	0	0.0

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Telecommunication	44	5	100	5	100.0	0	0.0	0	0.0	16	50.0	0	0.0	16	0.0	0	0.0
Toys	3	9	100	9	100.0	0	0.0	0	0.0	0	100.0	0	0.0	0	0.0	0	0.0
Other goods	90	90	88	75	83.3	8	8.9	7	7.8	56	89.3	50	0.0	0	0.0	6	0.0
Procedural measures	7	1	100	1	100.0	0	0.0	0	0.0	1	100.0	1	100.0	0	0.0	0	0.0
Other measures	35	47	70	21	44.7	24	51.1	2	4.3	1	100.0	1	100.0	0	0.0	0	0.0
TOTAL	468	672	84.5	507	75.4	122	18.2	42	6.3	84	79.2	57	67.9	19	22.6	8	9.5

Appendix no. 5

Transposition and compatibility level for Chapter 2: „Freedom of movement of persons”

Chapter 2: Freedom of movement of workers	Total measures	Regulations						Directives						Decisions					
		Total		Taken over		Not relevant		Total		Transposed		Not relevant		Total		Transposed		Not relevant	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Mutual recognition	3	0	0.0	0	0.0	0	0.0	2	66.7	2	100.0	0	0.0	1	33.3	0	0.0	1	100.0
Lawyers	2	0	0.0	0	0.0	0	0.0	2	100.0	2	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Architects	3	0	0.0	0	0.0	0	0.0	1	33.3	1	100.0	0	0.0	2	66.7	0	100.0	2	0.0
Medical and paramedical	23	0	0.0	0	0.0	0	0.0	16	69.6	13	100.0	3	0.0	7	30.4	0	100.0	7	100.0
Citizens rights	8	1	0.0	0	0.0	0	0.0	7	87.5	6	85.7	0	0.0	0	0.0	0	0.0	0	0.0
Workers	14	4	0.0	4	100.0	0	0.0	4	28.6	2	66.7	1	0.0	6	42.9	1	100.0	5	83.3
Migration	1	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	100.0	1	0.0	0	0.0
Social coordination	83	4	0.0	3	75.0	0	0.0	0	0.0	0	0.0	0	0.0	79	95.2	2	100.0	77	97.5
Total measures	137	9	6.6	7	77.8	0	0.0	32	23.4	26	81.3	4	12.5	96	70.1	4	4.2	92	95.8

Chapter 2: Freedom of movement of workers	To be transposed	Directives								Decisions										
		Compatibility		Total		Partial		Unknown		Compatibility		Total		Partial		Unknown				
		No.	Gr	No.	%	No.	%	No.	%	No.	Gr	No.	%	No.	%	No.	%			

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Mutual recognition	2	18	91.7	15	83.3	3	16.7	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Lawyers	2	10	80.0	6	60.0	4	40.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Architects	1	2	75.0	1	50.0	1	50.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Medical and paramedical	13	102	69.6	40	39.2	62	60.8	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Citizens rights	8	41	62.2	10	24.4	31	75.6	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Workers	8	21	78.6	12	57.1	9	42.9	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Migration	1	0	0.0	0	0.0	0	0.0	0	0.0	3	50.0	0	0.0	3	0.0	0	0.0
Social coordination	6	0	0.0	0	0.0	0	0.0	0	0.0	8	0.0	1	0.0	7	0.0	0	0.0
Total measures	41	194	71.6	84	43.3	110	56.7	0	0.0	11	54.5	1	9.1	10	90.9	0	0.0

Appendix no. 6

Transposition and compatibility level for Chapter 3 – „Freedom to provide services”

Freedom to provide services	Total measures	Regulations						Directives						Decisions					
		Total		Taken over		Not relevant		Total		Transposed		Not relevant		Total		Transposed		Not relevant	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Principles and conditions	9	1	0.0	0	0.0	0	0.0	4	44.4	4	100.0	0	0.0	4	44.4	2	50.0	2	50.0
Financial services	72	1	0.0	0	0.0	0	0.0	56	77.8	52	94.5	1	0.0	15	20.8	13	0.0	0	0.0
Non – financial services	39	0	0.0	0	0.0	0	0.0	39	100.0	30	76.9	0	0.0	0	0.0	0	0.0	0	0.0
Informational society	3	0	0.0	0	0.0	0	0.0	3	100.0	3	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Total measures	123	2	1.6	0	0.0	0	0.0	102	82.9	89	87.3	1	1.0	19	15.4	15	78.9	2	10.5

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Freedom to provide services	To be transposed	Directives									Decisions									
		Compatibility			Total			Compatibility			Total			Compatibility			Total			
		No.	Comp	%	No.	Comp	%	No.	Comp	%	No.	Comp	%	No.	Comp	%	No.			
Principles and conditions	7	17	73.5	9	52.9	7	41.2	1	5.9	1	100.0	1	100.0	0	0.0	0	0.0			
Financial services	71	291	55.8	41	14.1	243	83.5	7	2.4	12	0.0	0	0.0	0	0.0	12	0.0			
Non – financial services	39	73	58.9	13	17.8	60	82.2	0	0.0	0	0.0	0	0.0	0	0.0	12	0.0			
Informational society	3	4	75.0	3	75.0	0	0.0	1	25.0	0	0.0	0	0.0	0	0.0	0	0.0			
Total measures	120	385	57.4	66	17.1	310	80.5	9	2.3	13	7.7	1	7.7	0	0.0	24	184.6			

Appendix no. 7

Chapter	EU measures	No. of measures	EU measures in Romania	Romanian laws	Total	Partial	Nec.	Total no.	D.T.%	D.C.%	D.O.%
4. Free movement of capital	Directives	5	5	27	5	22					
	Regulations										
	Decisions										
	Others	2	2	8	5	3					
		7	100	85,7							
5. Company law	Directives	19	18	51	48	3					
	Regulations	9	7	11	8		3				77,7
	Decisions	4	3	4		2	2				
	Others										
		32	90	91,8							
6. Competition policy	Directives	3	2	5	2	3					
	Regulations	52	43	119	86	19	14				83
	Decisions	16	3	20	17	3					
	Others	31	26	33	19	8	6				

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		102	65	77,5							
7. Agriculture											
7.1.	Directives	2									
	Regulations	148	32	50	35					70	22
	Decisions	3									
	Others	3									
7.2.	Directives	211	147	590	165	124	301				
	Regulations	71	13	45	5		40				
	Decisions	1163	251	475	145	11	319				
	Others	17	1								
			87	90							
7.3.	Directives										
	Regulations	97	20	64	18	9	37				35
	Decisions	48									20
	Others										

Chapter	Sector	No. of Regulations	EU measures in Romania	Romania n laws	Total	Partial	Nec.	Total no.	D.T. %	D.C. %	D.O. %
7. Agric.	7.4.1. Milk	3	1	2	1		1			50	34
	7.4.2. Beef	4	3	3	3					100	75
	7.4.3. Mutton	2	2	4		2	2			25	100
	7.4.4. Pork	3	2	5		1	4			10	67
	7.4.5. Poultry meat and eggs	5	2							14	30
	7.4.6. Honey	2	2	2		2				50	100
	7.5.1. Trade mechanisms	44	3	4		2	2			25	6

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	7.5.2. Organic Farming									100	100	
	7.5.3. Quality policies	9	2	2	1	1				75	22	
	7.5.4. FADN	8	2	3	1	2				66,7	25	
	7.6.1. Sugar	21	8	17	3	7	7			38	38	
	7.6.2. Wine									80	80	
	7.6.3. Bananas	26	1	2		2				50	4	
	7.6.4. Flowers	14	4	11	3	1	7			32	28	
	7.6.5. Tobacco	3	2	4	4					100	66	
	7.6.6. Hops	4	3	5	5					100	75	
	7.6.7. Seeds									100	100	
	7.6.8. Flax/hemp	20	1	1	1					100	5	
	7.6.9. Silk worms	2	1	1		1				50	50	
	Total 7.4; 7.5; 7.6									58,43	48,3	
	TOTAL									55	63,25	48,3
Chapter	EU measures	No. of measures	EU measures in Romania	Romania n laws	Total	Partial	Nec.	Total no.	D.T. %	D.C. %	D.O. %	
8. Fishing	Directives											
	Regulations	84	16	31	3	28				55	20	
	Decisions	9										
	Others	1										

For Chapter 9 – Transports policy, it not is realizing Appendix important dates are in text.

Chapter 10 – Taxation – Community Acts, in categories, relevant for Romania and their transposition/taken over⁴⁰

Subchapter	REGULATIONS							
			Applied		Compatibility			Not transposed
	Total	Relevant	No. applied	No. Romanians measures	Total	Partial	Unknown	
VAT	0	0	0	0	0	0	0	0
Excises	7	4	4	4	0	4	0	0
Mutual Assistance	1	0	0	0	0	0	0	0
Various Fees	0	0	0	0	0	0	0	0
Direct Fees	0	0	0	0	0	0	0	0
Total	8	4	4	4	0	4	0	0

Subchapter	DIRECTIVES							
			Applied		Compatibility			Not transposed
	Total	Relevant	No. applied	No. Romanians measures	Total	Partial	Unknown	
VAT	34	15	13	1	0	1	0	2
Excises	13	12	11	1	1	0	0	1
Mutual Assistance	7	2	2	2	1	1	0	0
Various Fees	25	16	16	16	16	0	0	0
Direct Fees	4	4	2	2	0	2	0	2
Total	83	49	44	22	18	4	0	5

⁴⁰ Adapted from *Progress Editor 12.80*, TAIEX (Technical Assistance Information Exchange Office). CD Database, January 2004.

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Subchapter	DECISIONS							
			Applied		Compatibility			Not transposed
	Total	Relevant	No. applied	No. Romanians measures	Total	Partial	Unknown	
VAT	62	0	0	0	0	0	0	0
Excises	21	1	0	0	0	0	0	1
Mutual Assistance	3	0	0	0	0	0	0	0
Various Fees	1	1	0	0	0	0	0	1
Direct Fees	0	0	0	0	0	0	0	0
Total	87	2	0	0	0	0	0	2

Subchapter	OTHERS							
			Applied		Compatibility			Not transposed
	Total	Relevant	No. applied	No. Romanians measures	Total	Partial	Unknown	
VAT	7	0	0	0	0	0	0	0
Excises	1	0	0	0	0	0	0	0
Mutual Assistance	0	0	0	0	0	0	0	0
Various Fees	0	0	0	0	0	0	0	0
Direct Fees	1	1	0	0	0	0	0	1
Total	9	1	0	0	0	0	0	1

Chapter 11 – The monetary and economic Union – *Community documents, ranged on categories relevant for Romania and the situation of their transcription/ putting into force*⁴¹

REGULATIONS							
		Transcribed		Compatibility			Not transposed
Total	Relevant	No. of taken over	No. of Romanian measures	Total	Partial	Unknown	
20	14	14	49	12	37	-	-

DECISIONS							
		Transcribed		Compatibility			Not transposed
Total	Relevant	No. of taken over	No. of Romanian measures	Total	Partial	Unknown	
51	11	10	10	4	6	-	1

OTHERS							
		Transcribed		Compatibility			Not transposed
Total	Relevant	No. of taken over	No. of Romanian measures	Total	Partial	Unknown	
24	18	10	61	14	47	-	8

⁴¹ Adapted from *Progress Editor 12.80*, TAIEX (Technical Assistance Information Exchange Office). CD Database, January 2004.

Chapter 18 – Education, youth and professional training - *Community Acts, in categories, relevant for Romania and their transposition/taken over*⁴²

Chapter 18	REGULATIONS							
			Applied		Compatibility			Not transposed
	Total	Relevant	No. applied	No. Romanians measures	Total	Partial	Unknown	
Total	4	4	1	1	0	1	0	3

Chapter 18	DIRECTIVES							
			Applied		Compatibility			Not transposed
	Total	Relevant	No. applied	No. Romanians measures	Total	Partial	Unknown	
Total	1	1	1	2	2	0	0	0

Chapter 18	DECISIONS							
			Applied		Compatibility			Not transposed
	Total	Relevant	No. applied	No. Romanians measures	Total	Partial	Unknown	
Total	48	26	22	32	18	14	0	4

Chapter	OTHERS							
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^{42,22} Adapted from *Progress Editor 12.80*, TAIEX (Technical Assistance Information Exchange Office). CD Database, January 2004.

18	Applied				Compatibility			Not transposed
	Total	Relevant	No. applied	No. Romanians measures	Total	Partial	Unknown	
Total	5	2	1	1	0	1	0	4

Pentru Capitolele 12 – Statistică, 13 – Politici sociale și ocuparea forței de muncă, 14 Energie, 15 – Politici industriale, 16 – Întreprinderi mici și mijlocii, 17 – Știință și cercetare, nu s-au realizat Anexe, date relevante regăsindu-se în analiza realizată în text.

For Chapters 12 – Statistics, 13 – Social policy, 14 – Energy, 15 – Industrial policy, 16 – Middle and medium enterprises, 17 – Science and research, it not is realizing appendix, important dates are in text.

Appendix no. 11

Chapter 19 – Telecommunications and information technology - Community Acts, in categories, relevant for Romania and their transposition/taken over⁴³

Chapter 19	REGULATIONS							
	Applied				Compatibility			Not transposed
	Total	Relevant	No. applied	No. Romanians measures	Total	Partial	Unknown	
Total	1	1	1	1	1	0	0	0

Chapter 19	DIRECTIVES							
	Applied				Compatibility			Not transposed
	Total	Relevant	No. applied	No. Romanians measures	Total	Partial	Unknown	
Total	12	12	10	10	8	2	0	2

Chapter	DECISIONS							
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19			Applied		Compatibility			Not transposed
	Total	Relevant	No. applied	No. Romanians measures	Total	Partial	Unknown	
Total	7	0	0	0	0	0	0	0

Chapter 18			Applied		Compatibility			Not transposed
	Total	Relevant	No. applied	No. Romanians measures	Total	Partial	Unknown	
Total	3	0	0	0	0	0	0	0

For Chapters 20 – Culture and audiovisual policy and 21 – Regional policy it not is realizing appendix, important dates are in text.

Appendix no. 4

Chapter 22 – Environment Protection - *Community Acts, in categories, relevant for Romania and their transposition/taken over*⁴⁴

Subchapter	REGULATIONS							
			Applied		Compatibility			Not transposed
	Total	Relevant	No. applied	No. Romanians measures	Total	Partial	Unknown	
Horizontal legislation	4	4	3	4	3	1	0	1
Air quality	0	0	0	0	0	0	0	0
Waste management	1	1	1	3	0	3	0	0
Water quality	0	0	0	0	0	0	0	0

⁴⁴Adapted from *Progress Editor 12.80*, TAIEX (Technical Assistance Information Exchange Office). CD Database, January 2004.

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Nature protection	13	10	7	17	0	17	0	3
Industrial pollution control and risk management	4	4	4	6	3	3	0	0
Chemical substances and genetically modified organisms	12	12	5	11	4	7	0	7
Noise	0	0	0	0	0	0	0	0
Nuclear security and protection against radiation	10	9	9	25	17	8	0	0
Climate modifications	0	0	0	0	0	0	0	0
Civil protection	0	0	0	0	0	0	0	0
Policy	0	0	0	0	0	0	0	0
International cooperation	0	0	0	0	0	0	0	0
Total	44	40	29	66	27	23	0	11

Subchapter	DIRECTIVES							
	Total	Relevant	Applied		Compatibility			Not transposed
			No. applied	No. Romanians measures	Total	Partial	Unknown	
Horizontal legislation	4	3	3	8	1	7	0	0
Air quality	14	13	13	87	6	81	0	0
Waste management	17	17	17	52	18	34	0	0
Water quality	19	19	19	105	9	96	0	0
Nature protection	4	4	4	33	5	28	0	0
Industrial pollution control and risk management	8	7	7	28	5	23	0	0
Chemical substances and genetically modified organisms	7	6	6	12	10	2	0	0
Noise	12	8	8	15	1	14	0	0
Nuclear security and protection against radiation	5	5	5	21	4	17	0	0
Climate modifications	1	1	1	1	0	1	0	0
Civil protection	0	0	0	0	0	0	0	0
Policy	0	0	0	0	0	0	0	0
International cooperation	0	0	0	0	0	0	0	0
Total	91	83	83	362	59	303	0	0

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Subchapter	DECISIONS							
			Applied	Compatibility				
	Total	Relevant	No. applied	No. Romanians measures	Total	Partial	Unknown	
Horizontal legislation	9	1	0	0	0	0	0	1
Air quality	4	4	1	1	1	0	0	3
Waste management	22	21	11	20	6	14	0	10
Water quality	3	1	1	4	0	4	0	0
Nature protection	3	3	1	1	0	1	0	2
Industrial pollution control and risk management	53	31	31	31	21	10	0	0
Chemical substances and genetically modified organisms	23	22	7	9	8	1	0	15
Noise	0	0	0	0	0	0	0	0
Nuclear security and protection against radiation	2	2	2	5	1	4	0	0
Climate modifications	4	4	1	5	3	2	0	3
Civil protection	6	4	4	10	2	8	0	0
Policy	9	9	6	12	5	7	0	3
International cooperation	0	0	0	0	0	0	0	0
Total	138	102	65	98	47	51	0	37

Subchapter	OTHERS							
	Total	Relevant	Applied		Compatibility			Not transposed
			No. applied	No. Romanians measures	Total	Partial	Unknown	
Horizontal legislation	14	0	0	0	0	0	0	0
Air quality	0	0	0	0	0	0	0	0
Waste management	0	0	0	0	0	0	0	0
Water quality	0	0	0	0	0	0	0	0
Nature protection	0	0	0	0	0	0	0	0
Industrial pollution control and risk management	0	0	0	0	0	0	0	0
Chemical substances and genetically modified organisms	5	5	0	0	0	0	0	5
Noise	0	0	0	0	0	0	0	0
Nuclear security and protection against radiation	3	3	1	1	1	0	0	2
Climate modifications	0	0	0	0	0	0	0	0
Civil protection	0	0	0	0	0	0	0	0
Policy	8	8	0	0	0	0	0	8
International cooperation	0	0	0	0	0	0	0	0
Total	30	16	1	1	1	0	0	15

Appendix no. 13

Main directives of the Chapter 23

1. Council Directive 84/450/EEC relating to the approximation of the laws, regulations and administrative provisions of the Member States concerning misleading advertising implemented by Council Directive 97/55/EC relating to the comparative advertising.
2. Council Directive 85/374/EEC on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products.
3. Council Directive 85/577/EEC to protect the consumer in respect of contracts negotiated away from business premises.
4. Council Directive 87/357/EEC concerning products which, appearing to be other than they are, endanger the health or safety of consumers.

5. Council Directive 90/314/EEC on package travel, package holidays and package tours.
6. Council Directive 92/59/EEC on general product safety.
7. Council Directive 93/13/EEC on unfair terms in consumer contracts.
8. Council Directive 94/47/EC on the protection of purchases in respect of certain aspects of contracts relating to the purchase of the right to use immovable properties on a time-share basis.
9. Council Directive 97/7/EC on the protection of consumers in respect of distance contracts.
10. Council Directive 98/6/EC on consumer protection in the indication of the prices of products offered to consumers.
11. Council Directive 87/102/EEC, as amended by Council Directives 90/88/CEE and 98/7/EC concerning consumer credit.
12. Council Directive 98/27/EC on injunctions for the protection of the consumers' interests.
13. Council Directive 1999/44/EC of the European Parliament and the Council on certain aspects of the sale of consumer goods and associated guarantees.
14. Council Directive 2001-95-EEC on general products safety.

Appendix no. 14

Chapter 24 – Justice and Home Affairs - *Community Acts, in categories, relevant for Romania and their transposition/taken over*⁴⁵

Subchapter	REGULATIONS							Not transposed
	Total	Relevant	Applied		Compatibility			
			No. applied	No. Romanians measures	Total	Partial	Unknown	
Asylum	1	1	1	9	2	7	0	0
External borders	2	2	2	3	2	1	0	0
Visas	3	3	2	6	1	5	0	1
Migration	-	-	-	-	-	-	-	-
Organized crime, fraud, corruption	-	-	-	-	-	-	-	-
Drugs	-	-	-	-	-	-	-	-
Terrorism	-	-	-	-	-	-	-	-

⁴⁵ Adapted from *Progress Editor 12.80*, TAIEX (Technical Assistance Information Exchange Office). CD Database, January 2004.

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Police cooperation	-	-	-	-	-	-	-	-
Customs cooperation	-	-	-	-	-	-	-	-
Judicial cooperation in civil matters	5	5	5	12	6	6	0	0
Judicial cooperation in criminal matters	-	-	-	-	-	-	-	-
Financing (Title VI)	1	1	0	0	0	0	0	1
Human rights	-	-	-	-	-	-	-	-
Schengen	1	1	0	0	0	0	0	1
Others	-	-	-	-	-	-	-	-
Total	13	13	10	30	11	19	0	3

Subchapter	DIRECTIVES							
	Total	Relevant	Applied		Compatibility			Not transposed
			No. applied	No. Romanians measures	Total	Partial	Unknown	
Asylum	1	1	1	1	0	1	0	0
External borders	-	-	-	-	-	-	-	-
Visas	-	-	-	-	-	-	-	-
Migration	1	1	0	0	0	0	0	1
Organized crime, fraud, corruption	-	-	-	-	-	-	-	-
Drugs	-	-	-	-	-	-	-	-
Terrorism	-	-	-	-	-	-	-	-
Police cooperation	-	-	-	-	-	-	-	-
Customs cooperation	-	-	-	-	-	-	-	-
Judicial cooperation in civil matters	-	-	-	-	-	-	-	-
Judicial cooperation in criminal matters	-	-	-	-	-	-	-	-
Financing (Title VI)	-	-	-	-	-	-	-	-
Human rights	-	-	-	-	-	-	-	-
Schengen	1	1	0	0	0	0	0	1
Others	-	-	-	-	-	-	-	-
Total	3	3	1	1	0	1	0	2

Subchapter	DECISIONS							
			Applied		Compatibility			Not transposed
	Total	Relevant	No. applied	No. Romanians measures	Total	Partial	Unknown	
Asylum	9	8	8	32	3	29	0	0
External borders	2	2	1	1	0	1	0	1
Visas	2	2	2	3	1	2	0	0
Migration	6	6	5	16	11	5	0	1
Organized crime, fraud, corruption	15	15	6	14	7	8	0	9
Drugs	3	3	1	2	1	1	0	2
Terrorism	-	-	-	-	-	-	-	-
Police cooperation	2	2	0	0	0	0	0	2
Customs cooperation	1	1	0	0	0	0	0	1
Judicial cooperation in civil matters	1	1	1	2	0	2	0	0
Judicial cooperation in criminal matters	4	4	3	5	2	3	0	1
Financing (Title VI)	4	4	0	0	0	0	0	4
Human rights	1	1	0	0	0	0	0	1
Schengen	16	16	15	1	1	0	0	1
Others	-	-	-	-	-	-	-	-
Total	66	65	42	77	26	51	0	22

Subchapter	OTHERS							
			Applied		Compatibility			Not transposed
	Total	Relevant	No. applied	No. Romanians measures	Total	Partial	Unknown	
Asylum	14	12	12	39	8	31	0	0
External borders	6	6	2	5	1	4	0	4
Visas	2	2	0	0	0	0	0	2

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Migration	22	22	22	77	34	43	0	2
Organized crime, fraud, corruption	60	56	51	184	68	116	0	5
Drugs	15	15	14	58	23	35	0	1
Terrorism	6	6	6	15	1	14	0	0
Police cooperation	13	11	9	24	2	22	0	2
Customs cooperation	13	10	7	14	0	14	0	3
Judicial cooperation in civil matters	18	14	14	49	10	39	0	0
Judicial cooperation in criminal matters	28	21	21	74	20	54	0	0
Financing (Title VI)	5	5	3	4	2	2	0	2
Human rights	10	9	9	10	5	5	0	0
Schengen	2	2	0	0	0	0	0	0
Others	3	2	0	0	0	0	0	2
Total	217	193	168	553	173	380	0	23

Appendix no. 11

Transposition and compatibility level for Chapter 25 – „Custom Union”

Custom Union	Total measures	Regulations						Decisions					
		Total		Taken over		Not relevant		Total		Transposed		Not relevant	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
General legislation	27	26	96.3	25	96.2	1	3.8	1	0.0	0	100.0	1	0.0
Classification and Tariffs	26	26	100.0	14	56.0	1	3.8	0	0.0	0	100.0	0	0.0
Quotas, ceilings and suspensions	28	28	100.0	3	15.0	8	28.6	0	0.0	0	100.0	0	0.0
Origin of goods	9	5	55.6	0	0.0	1	20.0	4	44.4	0	100.0	1	25.0
Customs procedures	2	1	50.0	1	100.0	0	0.0	1	0.0	0	100.0	1	0.0
Transit of goods	36	5	13.9	5	100.0	0	0.0	31	86.1	31	100.0	0	0.0
Mutual assistance	9	8	88.9	3	37.5	0	0.0	1	11.1	1	100.0	0	0.0
International customs cooperation	58	32	55.2	25	78.1	0	0.0	26	44.8	19	76.0	1	3.8
Movements of goods	3	0	0.0	0	0.0	0	0.0	2	66.7	1	100.0	1	50.0
Customs values	11	10	90.9	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Total measures	209	141	67.5	76	58.5	11	7.8	66	31.6	52	85.2	5	7.6

Custom Union	To be transposed	Decisions							
		Compatibility		Full		Partial		Unknown	
		No.	Comp.	No.	%	No.	%	No.	%
General legislation	25	0	100.0	0	0.0	0	0.0	0	0.0
Classification and Tariffs	25	0	100.0	0	0.0	0	0.0	0	0.0
Quotas, ceilings and suspensions	20	0	100.0	0	0.0	0	0.0	0	0.0
Origin of goods	7	0	100.0	0	0.0	0	0.0	0	0.0
Customs procedures	1	0	100.0	0	0.0	0	0.0	0	0.0
Transit of goods	36	152	53.0	13	8.6	135	88.8	4	2.6
Mutual assistance	9	2	50.0	0	0.0	2	100.0	0	0.0
International customs cooperation	57	31	41.9	4	12.9	18	58.1	9	29.0
Movements of goods	2	5	50.0	0	0.0	5	100.0	0	0.0
Customs values	10	0	0.0	0	0.0	0	0.0	0	0.0
Total measures	192	190	51.1	17	8.9	160	84.2	13	6.8

For Chapter 26 – External relations, it not realizing appendix, important dates are in text.

Chapter 27 – Foreign and common security policy – *Community documents, ranged on categories relevant for Romania and the situation of their transcription/ putting into force*⁴⁶

REGULATIONS							
Total	Relevant	Transcribed		Compatibility			Non transcribed
		No. of taken over	No. of Romanian measures	Total	Partial	Unknown	
71	20	20	22	22	-	-	0

DECISIONS							
Total	Relevant	Transcribed		Compatibility			Non transcribed
		No. of taken over	No. of Romanian measures	Total	Partial	Unknown	
104	36	20	74	74	-	-	0

OTHERS							
Total	Relevant	Transcribed		Compatibility			Non transcribed
		No. of taken over	No. of Romanian measures	Total	Partial	Unknown	
173	54	33	65	65	-	-	0

⁴⁶ Adapted from *Progress Editor 12.80*, TAIEX (Technical Assistance Information Exchange Office). CD Database, January 2004.

Chapter 28 – Financial control - Community documents, ranged on categories relevant for Romania and the situation of their transcription/ putting into force⁴⁷

REGULATIONS							
		Transcribed		Compatibility			Non transcribed
Total	Relevant	No. of taken over	No. of Romanian measures	Total	Partial	Unknown	
6	5	5	23	-	23	-	1
DECISIONS							
		Transcribed		Compatibility			Non transcribed
Total	Relevant	No. of taken over	No. of Romanian measures	Total	Partial	Unknown	
6	2	2	2	-	2	-	0
OTHERS							
		Transcribed		Compatibility			Non transcribed
Total	Relevant	No. of taken over	No. of Romanian measures	Total	Partial	Unknown	
1	0	0	0	0	0	0	0

For Chapters 29 – Financing provisions and 30 – Institutes it not is realizing appendix, important dates are in text.

⁴⁷ Adapted from *Progress Editor 12.80*, TAIEX (Technical Assistance Information Exchange Office). CD Database, January 2004.

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