

ACCESS REQUIREMENTS ON THE UNIQUE MARKET

Univ. doc. Conf. Danut Tiberius Epure
„Ovidius “ University of Constanta
Faculty of Economic Sciences
Mail: epure_dan@yahoo.com

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Summary

This paper deals with the access requirements to the unique market world which is a mention used by the producer to certify that the product satisfies the public health and the environment protection.

It also reveals that the CE marking indicates the fact that the product is according to the norms, which permit the producer to choose the variant he will apply.

The paper stresses upon the “New Approach Norms” which are subject to a procedure of conformity valuation, considering certain criteria such as: standard, quality, etc..

As a conclusion, it is shown that the third party countries will benefit from lower tariffs in commerce with the new member states.

1. THE CE MARKING HEALTH (PUBLIC SAFETY)

The CE marking is a mention issued by the producer certifying the fact that the product satisfies essential (minimum) European requirements concerning the public health and environment protection. This mention is obviously applied on the product by the CE symbol.

According to the risks, it is established on product groups if the issued mention should or should not be certified by testing by a third independent party or by “ an authorized organism”. In case the respective product corresponds to all the applicable criteria, stipulated in the European standards concerning the respective product, then there is “ a legal presumption of conformity with the requirements that derive from norm” that is applied to that product. Another independent third party performs the checking based on the European standards that attests and confirms the conformity presumption of the respective product.

In case the respective product / device is also the subject of other norms covering other aspects that also foresee the CE marking, the latter one will indicate the fact that the product / device is considered to be according to the other norms.

When one or more of these norms permit the producer, during the transition period, to choose the variants which he will apply, the CE marking will indicate the conformity with the norms applied by the producer. In this case, the peculiarities of the applied norms should be present in the documents, notifications or instructions imposed by norms and which accompany this product/ device.

The adopting and implementing of UE standards in Romania represent one of the conditions of the access on the Unique Market, as Romania, after adhering, will become not only a member with full rights of the Unique Market, but also its completely integrated member.

It is important for the Romanian enterprises to be aware of the European standardizing role and of the efficient use of the standards.

Before the launching on the market, the products which are covered by the standardizing norms of the "New Approach", have to be subject to a procedure of conformity valuation.

The valuation concerns:

- ✓ the design stage of the product;
- ✓ the production stage
- ✓ or both of the stages

One should comply with this procedure to permit the CE marking applying.

Each norm of the "New Approach" describes the range and the content of the possible valuation procedures of the conformity and these have been divided in a set of eight separate basic modules. Seven of these are based on the third independent party intervention.

More norms grant flexibility to the conformity valuation by the use of the alternative operations or modules in order to permit the adapting according to the needs of each producer. According to the norms, the producer may select one of the available procedures.

2. THE STANDARDS

Standardizing is a voluntary process based on the consensus of all the interested parties, economic operators, workers, public authorities, etc..)

This is accomplished by independent standardizing organisms, proceeding at national, European (ECS, CENELEC, ETSI) and international standard. Initially conceived as an instrument of and for the economic operators, the standardizing became more and more used by the authorities.-1

European institutions such as ECS (The European Committee for Standardizing) ECSED (The European Committee for Standardizing in the Electronic Domain) and EIST (The European Institute for Standards and Telecommunication) have the specific target to offer access to the information concerning the standards and to the standardizing process.

3. QUALITY

The 9000:2000 ISO series represents the revised version of the quality management standards which include the minimum requirements concerning the quality management systems. The implementing of the quality management system is a way by means of which an enterprise can demonstrate its capacity to offer products /services that may satisfy the quality requirements of the clients and that may also be in conformity with the current regulations.

There are eight quality management principles on which the 9000:2000 ISO series is based. These principles represent excellent work instruments which permit the management to orientate the organization to a superior performance.

Principle 1 Concentration of the attention on the client

- ✓ Principle 2 Leadership
- ✓ Principle 3 Involving of employees
- ✓ Principle 4 Processual Approaching
- ✓ Principle 5 Processual approaching of management
- ✓ Principle 6 Continuous perfecting
- ✓ Principle 7 Decision taking based on current data

- ✓ Principle 8 Relations with the suppliers profitable for both parties

There are different ways of applying these quality management principles. The nature of the organization and of the specific requirements these have to face will determine the implementing way of the principles.

The 14000 ISO family views first of all “the management of the environment “.

This refers to what the organization does *for*:

- ✓ minimizing the detrimental effects on the environment, caused by its activities,
- ✓ and for obtaining a continuous improvement of its performance in the relationship with the environment.

The great majority of the ISO standards is specific in a great extent to a specific product, material or process. However, the 9000 ISO and 14000 ISO standard families gained their reputation internationally as “generic standards of the management system”. “Generic” means that the same standards can be applied to any domain.

“The management system” represents the structure of the administering way of the organization processes or activities, which changes the resources in a product or service, according to its established objectives, such as the satisfying of the client’s quality requirements, the obeying of the regulations or of the environment requirements.

4. INTELLECTUAL PROPERTY RIGHTS

The Intellectual Property Rights (IPR) have been created to facilitate the innovation, to promote the use of new knowledge and their dissemination. The Romanian companies will have to integrate themselves in the IPR European system in order to assure their free access on the extended Internal Market.

The third party countries will benefit of superior protection levels of the the intellectual property rights (IPR) in the candidate countries owing to the adopting by these of the UE norms in this domain, at the moment of the adherence. The European Agreements already contain the obligation of the candidate country to obey the international conventions in this field and to bring the (IPR) regime to a level similar to the one the UE countries can afford.

5. THE COMMERCE

Ten countries adhered to EU on 1 May 2004; Cyprus, Czech Republic, Slovakia, Slovenia. From the day of their adherence, these new Member States totally apply the Common Commercial Policy of EU, inclusively The Common External Tariff, the UE preferential commercial agreements, the WTO engagements and the UE commerce protection measures.

Also, these have already adopted the Internal Market Regulations and will benefit from the four liberties according to the ones stipulated in the adherence Treaty.

A much larger market, with a population of about 455 millions and a GIP of approximately 9231 billions, the enlarged EU covering 19% of the international commerce, is the source of 46% of the direct foreign investment and the host of 24% of direct foreign investment. The present day European Union became in such a way the world largest unique market, and presently there are no internal frontiers between the Member States. The harmonizing of the regulations and standards assure in such a way an even more free circulation of the products and services than it is even possible in some individual countries. The third party countries will benefit from an extended unique market, inclusively from a

simplified and even improved access to these markets of the countries that have recently adhered .

This extending led to the implementing of the EU commercial policy regime also in the candidate countries, and the system that combined the UE unique commercial regime with a different one for each adhered country has presently disappeared. An unique set of regulations, an unique tariff and an unique set of administrative procedures is presently applied in the extended Union comprising twenty five states. Such a thing significantly simplified the commercial activities which the operators from the third party countries have in Europe.-2

A very open economy with a high standard of regulations. When adhering, the new member states had to adopt The Community Customs Common Tariff (CCCT) as to the product commercializing. The medium tariffs in the industrial domain of the candidate countries are generally bigger the medium of 3,6% of EU and the same is also valid in the case of the tariffs for agricultural products.

Consequently, in the majority of the cases, the third party countries will benefit from lower tariffs in the commerce with the new member states.

In the case of the services, the third party countries service suppliers will enjoy the same treatment in all the UE countries, inclusively new members.

The very high standards in the domain of the foreign investment, which presently the UE investors afford, will be applicable in all the member states. As it is stipulated in the Rome Treaty, the national provisions concerning the internal investors have been extended to the new state members. For example, the constituting right and free circulation of the mentioned capital in the Treaty is presently applicable to all the companies of the new member states.

As to the technical regulations and their impact to the opening of the economy, the principle, " a standard for all" of the unique market has been extended to the new members, with obvious advantages for the supplies from the third party countries. Those third party country exporters with which EU has concluded reciprocal acknowledgement agreements as to their export to the new Member States have obtained evident advantages.

Limited quantitative restrictions. There are several sectors in which the European Union maintains certain quantitative restrictions for the third party countries, especially in the case of textile and steel. Although the new member states have also applied these restrictions, however, at the same time with their adherence, the effect to the third party countries will be progressive.1

The Commerce World Organization Agreement (CWOA) stipulates that all contingent to textile and clothing articles should be progressively eliminated.-3

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