EUROPEAN PARLIAMENT

DIRECTORATE-GENERAL FOR RESEARCH
DIRECTORATE A
DIVISION FOR INTERNATIONAL AND CONSTITUTIONAL AFFAIRS

FACTSHEET

SLOVENIA **Chapter 1 - Freedom of movement of goods**

1. The acquis [1]

Overall, the transposition of **harmonised European product legislation** represents the vast bulk of the content of this chapter. The EU expects the candidate countries to apply the acquis in this chapter by the date of accession since, without this, the internal market will not function properly. As the application of this legislation poses a formidable challenge for them and it is important that their administrative capacity is up to this challenge by the date of accession, the EU has requested credible commitments on administrative capacity.

European rules governing basic technical standards, product certification and metrological definitions fall essentially into two categories: harmonised and non-harmonised:

- For **non-harmonised** goods, the guiding principle is that if a product can be legally sold on the market of one Member State, it can be sold in all countries of the Union. Specific exceptions are enshrined in Articles 28 to 30 of the EC Treaty which prohibit any other quantitative restrictions on imports and exports.
- **Harmonised** European product legislation includes rules covering conformity assessment and accreditation bodies, standardisation and market surveillance. These structures provide the framework for the new approach to European product law based on the principle of self-certification and the presumption of conformity with harmonised standards. However, some 'old approach' directives are still in force covering product groups such as pharmaceuticals, foodstuffs and motor vehicles and these require the creation of certification and authorisation structures to administer European legislation.

[1] Information largely drawn from the European Commission, DG Enlargement
http://europa.eu.int/comm/enlargement/negotiations/index.htm

2. The negotiations

The chapter has been closed with ten countries, provisionally closed with Bulgaria and remains open with Romania. The EU has accepted transitional arrangements concerning the renewal of marketing authorisation for pharmaceuticals with five countries and concerning medical devices for one country.

Chapter opened June 1999
Status closed in December 2002 (provisionally closed in March 2001)
Transitional arrangements:

- The EU has accepted one transitional arrangement until 31 December 2007, concerning the renewal of marketing authorisation for pharmaceuticals.

3. Position of the European Parliament

In its resolution of 5 September 2001[1], Parliament:

- believes it is of central importance that Slovenia monitors carefully the implementation of the new proposals in the Commission's White Paper on Food Safety, and that this is taken fully into account before the negotiations are finally completed;
- calls on Slovenia to put in place mechanisms necessary to link effectively to the Community's Rapid Alert System (RAS), both in terms of alerting the European Food Safety Authority (EFSA) to any serious perceived or identified risk and in terms of action to be taken by the RAS as a result of an EFSA warning;
- notes that agricultural production in line with European food safety, veterinary, phytosanitary and quality standards is not possible, in every instance, when accession takes place; notes that the purpose of pre-accession aid must be to improve that situation; realises that, for a period following accession, internal trade may be restricted by these European demands.

4. Latest Assessment of the European Commission [2]

In its 1997 Opinion, the Commission concluded that Slovenia had so far made limited progress towards legislative alignment in this area, and that considerable further work was needed. It also stated that efforts were to be strengthened to align legislation, including *New Approach* Directives. The standardisation and conformity assessment system also needed to be strengthened and a speedy adoption of the Law on Standards would help in this respect. Human resources, skill and institution building equally needed to be upgraded. On public procurement, rules on selection and award criteria needed to be clarified, the system of legal remedies was found not to be compatible with the EC requirements, and utilities sector seemed not to be covered. However, the Opinion concluded that, provided efforts were increased, free movement of goods could be achieved in the medium term.

Since the Opinion, progress has been substantial, both in terms of transposition and with regard to the establishment of the necessary administrative capacity. Slovenia is now at an advanced

[1] Resolution on the state of negotiations with Slovenia , § 9, 10 & 32: A5-026/2001
[2] European Commission, Regular Report on Slovenia 2002, pp.48 & 49: http://www.europa.eu.int/comm/enlargement/report2002/si_en.pdf

stage in terms of transposition of the *acquis* in the field of free movement of goods, and administrative capacity is well developed but needs to be further reinforced.

Negotiations on this chapter have been provisionally closed. Slovenia has been granted a transitional period for the renewal of marketing authorisations for pharmaceutical products until 31 December 2007. Slovenia is generally meeting the commitments it has made in the accession negotiations in this field.

In order to complete preparations for membership, Slovenia's efforts now need to focus on completing the introduction of implementing legislation in line with the *acqui*s, continuing transposition (notably in the area of sectoral legislation, with a special focus on food safety and foodstuffs legislation), ensuring systematic screening of legislation in the non-harmonised areas, and developing adequate administrative capacity in particular in terms of number of staff.

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