

ACQUIS COMMUNAUTAIRE

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Glossary*

The entire legislation and practice of the European Union is known as the *acquis communautaire*, or the EU acquis for short. It covers all the rights and obligations of EU member states and institutions. It is in constant development, and covers the following elements:

- the content, principles and political objectives of treaties,
- primary legislation adopted on the basis of treaties and judgments of the Court of Justice,
- secondary legislation, i.e. provisions derived from treaties and passed during decision making procedures in the EU institutions,
- declarations and resolutions that the European Union has adopted,
- measures that relate to the common foreign and security policy,
- measures that relate to justice and home affairs,
- international agreements that the European Community has signed, as

well as treaties concluded between member states and that relate to the activities of the Community.

EU legislation is published in the *Official Journal*, or OJ, which is the first and main source about the legislation and activities of all the institutions and agencies of the EU. It is hard to define the entire *acquis*, because it covers the whole of the legal system of the EU and consists of the about 100,000 pages published in the *Official Journal*. New member states must accept the *acquis* as a whole. This covers all the treaties about European Union, the European Community, the whole of the secondary legislation in force today, all international treaties signed by the EC, all the judgements of the Court of Justice, and also soft law. Soft law is the basis for the orientation and interpretation of legal acts, although it is not legally binding. The courts may use it for the sake of interpreting legally binding sources of law. During the harmonisation of the legislation of a candidate country with the *acquis*, the emphasis should be placed

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on primary law (the treaties), international treaties and secondary law, while court decisions and soft law are important to the extent to which they can interpret the first three categories of the *acquis*.

The best source for finding one's way through the *acquis* is the official, public database known as Eur-Lex: <http://europa.eu.int/eur-lex/lex/en/index.htm>

Every state that wishes to become a member of the Union must, by the time of accession, have adopted the whole of the *acquis* and be capable of enforcing it effectively.

During the fifth process of enlarging the EU to the ten states that became members in 2004 and to Romania and Bulgaria, which joined in 2007, the *acquis* was divided into 31 chapters. However now, in the negotiations with Croatia and Turkey, there are 35 chapters, for the sake of achieving a better balance among the chapters. Thus the more difficult chapters are divided into several easier chapters, and some of the easier are combined, some of the policies are shifted around among the chapters, and some of the chapters have been renamed. Thus Croatia and Turkey will have to harmonise their legislation with the following 35 chapters of the *acquis*.

1 Free movement of goods. The main principle of this chapter is that there is free trade in products between one part of the Union and another. From this point of view, it is crucially important to harmonise the regulative framework defining the specifications of products.

2 Freedom of movement for workers. The *acquis* in this chapter is based on the principle that citizens of one member state have the right to work in another member state. Such workers must have the same so-

cial and taxation rights and working conditions as workers from the host country.

3 Right of establishment and freedom to provide services. Legal entities and citizens of the EU have the right of establishment in another member state and the right to provide cross-border services. This presumes the harmonisation of the regulation of qualifications for the individual professions and the mutual recognition of diplomas.

4 Free movement of capital. Member states must remove all restrictions on movement of capital both within the EU and between member states and third countries. The *acquis* also presupposes the fight against money laundering and terrorist financing.

5 Public procurement. The main principles of this chapter relate to transparency, equal treatment, free competition and non-discrimination.

6 Company law. The chapter includes the formation, registration, merger and division of companies as well as special rules for the presentation of annual and consolidated accounts. The application of International Accounting Standards is mandatory.

7 Intellectual property law. The *acquis* in this chapter stipulates harmonisation of the legal protection of copyright and related rights.

8 Competition policy. This chapter covers protection of market competition and controls state aid that distorts competition.

9 Financial services. The *acquis* includes rules for the authorisation, operation and supervision of financial institutions in the areas of banking, insurance, investment services and securities markets.

10 Information society and media. The chapter includes rules on electronic com-

munications, electronic commerce and audio-visual services, particularly the free broadcasting of television programmes.

11 Agriculture and rural development. The agriculture chapter covers a large number of binding rules essential for the functioning of the common agricultural policy (CAP).

12 Food safety, veterinary and phytosanitary policy. This chapter covers detailed rules in the area of food safety in the sense of standards of health in its production as well as in animal welfare and plant production.

13 Fisheries. The chapter deals with the preparation of the administration for enforcement of the common fisheries policy.

14 Transport policy. Transport legislation aims at promoting safe, efficient and environmentally sound and user-friendly transport services. It covers road transport, railways, inland waterways, combined transport, aviation, and maritime transport.

15 Energy. The chapter is directed at competition and state aids, the internal energy market, energy efficiency, nuclear energy and nuclear safety and radiation protection.

16 Taxation. The taxation chapter covers the area of indirect taxation, i.e. value-added tax (VAT) and excise duties. It lays down the scope, definitions and principles of VAT. In the area of direct taxation, the *acquis* covers some aspects of taxing income from savings of individuals and of corporate taxes.

17 Economic and monetary policy. The chapter covers the independence of central banks in member states, banning privileged access of the public sector to financial resources. Member states are expected to coordinate their economic policies and are su-

bject to the Stability and Growth Pact on fiscal surveillance.

18 Statistics. The *acquis* covers the methodology, classification and procedures in the collection of data.

19 Social policy and employment. The *acquis* in the social field includes minimum standards in the areas of labour law, equality, health and safety at work.

20 Enterprise and industrial policy. Industrial policy promotes industrial strategies that enhance competitiveness and speed up adjustment to structural change, encouraging an environment favourable to business creation and speeding up growth.

21 Trans-European networks. This chapter covers the Trans-European Networks policy in the areas of transport, telecommunications and energy infrastructures.

22 Regional policy and coordination of structural instruments. The chapter defines the rules for implementing Structural Funds and Cohesion Fund programmes reflecting each country's territorial organisation.

23 Judiciary and fundamental rights. In the Union, the establishment of an independent and efficient judiciary is of paramount importance along with impartial and equitable judgement. Member States must fight corruption effectively.

24 Justice, freedom and security. In this chapter, it is important to equip member states to control their borders, issue visas, migration, asylum, the coordination of police forces, the fight against organised crime, terrorism and drugs, as well as customs and judicial collaboration.

25 Science and research. Member states must be equipped to take effective part in the Framework Programmes of the EU.

26 Education and culture. National policies must be formulated in such way as

to ensure the achievement of goals defined in the "Education and Training 2010" program.

27 Environment. The aim of environment policy is to promote sustainable development and protect the environment for present and future generations. The acquis comprises over 200 major legal acts that regulate this area.

28 Consumer and health protection. This relates to the protection of economic interests of consumers in a number of specific sectors as well as specific binding rules in the area of public health.

29 Customs union. This chapter consists almost exclusively of legislation which is directly binding on the member states and includes the EU Customs Code, the combined nomenclature, common customs tariff and provisions on tariff classification, certain tariff quotas and so on.

30 External relations. The acquis in this field derives from the EU's multilateral and bilateral commercial commitments, as well as from a number of autonomous preferential trade measures. Member states must align their policies towards third countries and international organisations with those adopted by the Union and its Member states.

31 Foreign, security and defence policy. This refers to the adoption of The common foreign and security policy (CFSP) and the European security and defence policy (ESDP).

32 Financial control. The acquis under this chapter requires the adoption of the principles, standards and methods of public internal financial control (PIFC) that should apply to the internal control systems of the entire public sector, including the spending of EU funds.

33 Financial and budgetary provisions.

This chapter covers the rules concerning the financial resources necessary for the funding of the EU budget ('own resources'): contributions from member states from customs and agricultural duties, from value-added tax and resources based on the level of gross national income.

34 Institutions. This chapter covers rules relating to equal representation in EU institutions and elections to the European Parliament.

35 Other issues. This chapter includes issues that come up during the negotiations with candidate countries and yet are not covered under any other chapter. They are discussed at the end of the negotiations.

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