

## **GENERAL PRINCIPLES ON THE FREE MOVEMENT OF GOODS WITHIN THE COMMUNITY SPACE AND THE VETERINARY SERVICE RESPONSIBILITIES IN THIS REGARD**

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### ***Abstract***

*The European Union has set two main goals followed in the veterinary services. This consumer health and food safety on the one hand, and on the other hand, control and eradication of animal diseases. Accordingly, the Commission adopted a radical reform in the health department dealing with consumers. Scientific Committees placed under the responsibility of managing DG Consumer Policy and Health Protection, which deals with the Food and Veterinary Office (FVO). The Commission has reorganized and the three "tools" used to protect consumer health: scientific analysis, risk analysis control and inspections. In terms of disease control and eradication, creation of WTO and signed by the Member States of the European Union agreement on sanitary and phytosanitary measures (SPS Agreement) tariff barrier reduction were set up to trade, based on animal veterinary safety. Thus, countries that want to prohibit the importation of animals or animal products from a particular country or region to protect its own animal health must scientifically prove this. Countries wishing to export, on the other hand, must prove that they are free of certain diseases. In both cases, it required a database suitable for animal health. Thus, the responsibilities of public veterinary services are moving towards two primary objectives- to facilitate international trade and protect public health.*

**Keywords:** *free movement, goods, risk analysis, trade.*

### **INTRODUCTION**

#### **Guide lines for import risk analysis**

Importation of animals or animal products may present a certain degree of risk of illness for the importing country. One or more diseases may contribute to, or may be at the origin of this risk. For these reasons, the international trade in animals and animal products import requirements of the importing country sets. Importing country, depending on the actual situation in terms of veterinary and economic interests or livestock may establish different levels of stringency. Risk analysis should be sufficiently transparent for the exporting country may know in a clear and precise reasons motivating conditions are imposed on imports or refusal of imports. Risk assessment is preferable if not mandatory after global founded the World Trade Organization (WTO), consisting in maintaining "zero risk" because it leads to a decision more objective and allows the veterinary administrations to discuss any divergence may occur bound potential risks.

In this context, the World Organisation for Animal Health (OIE) established the "Terrestrial Code" demanding different levels to ensure a risk as low as possible to accept for each animal species for each disease and other live animals and animal products. Animal health risk analysis is closely related to epidemiology and statistics, but also with other sciences such as those that are structured "decision theory ". In fact, risk analysis is based on knowledge gained while these sciences, including epidemiology plays an important role. Insistence manifested in decades to base decisions on reason and analysis has become more common and turned tooth surface analysis based on mere citation of the laws, regulations and rules in a more analytical form consistent and strong to take into account situations in different countries treat one substrate in animal and in any case political considerations (Gonciarov, 2008). Frequent changes of international borders, with great examples how to those of the former USSR or small, as Czechoslovakia, the Federal Republic of Yugoslavia and others, and frequent changes in fund trading practices such

as those of the "internal market" in the EU and created the World Trade Organization (adopted by Romania by Law no. 133/1994) made the traditional ideas about "the country's sickness allowance" can no longer protect animal health. Applications for flexibility in defining the country, the region and the area that borders New Animal Health became a reality when import risk analyzes. They associate their appropriate methods and technologies for the construction of a decision for the presence of a detailed and easily accessible information has been helpful. If in the past the decision was taken to approve imports of certain officials or certain specific committee based their decision pregnant some reasons, sometimes outdated, unclear and no transparency, assumed that in many cases the decision was unlikely.

Science was born to help analysts and decision makers to assess risk and make decisions in a transparent, consistent and documented was called "risk analysis" and includes in it and "risk assessment", both of which considered relatively new concepts. They were associated with "risk management" and "risk communication" that are newer. It can be concluded that this science is based on theory application decisions on the manage international and the traditional sciences such as epidemiology and statistics. In front of a prospect, which has only one purpose-that of liberalization and globalization of exchanges, you will need so as to facilitate trade while guaranteeing the security of importing countries, the role of the World Organisation for Animal Health will be particularly important in this area. At the end of 1994, over 140 countries have negotiated several agreements (SPS sanitary and phytosanitary), including Romania have decided to use risk assessment methods set by the World Organisation for Animal Health. In this respect the national animal health were informed by "International Animal Health Code" (Terrestrial Code) on sickness related to each import, whatever it may be, both for mammals, birds and bees and for aquatic animals.

Also, the "Terrestrial Code" veterinary services are available to current knowledge on the epidemiology of diseases, pathogens properties, methods of diagnosis and more.

## **Single market and veterinary checks European Union**

In 1951, the Treaty of Rome, six European countries (France, Italy, Germany, Belgium, Netherlands, Luxembourg) have proposed to create a single market to achieve the free movement of goods, persons, services and values. For goods, art. 30 of the Treaty, prohibits quantitative restrictions on imports not only, but equally all measures likely to produce an equivalent effect. The union was quickly established normal but unfortunately the free movement of goods and people encountered numerous obstacles administrative, physical and technical barriers have continued to create a true single market. In fact, Article 36 of the Treaty, authorizing the application of restrictions on the movement of goods if they are justified mainly by considerations such as public order, health or life and the protection of industrial and commercial property, provided that these reasons do not can be used as a means of imposing arbitrary discrimination and disguised restrictions on exchanges.

In 1985, the Heads of State and Government of the Union approved White Paper established by the approximately 282 legislative proposals, removing obstacles to the creation of an internal market for free. Simultaneously were fixed and some deadlines for adoption of legislative proposals.

Joins some justification for restricting trade, such as protection against diseases spread by animals, meats, seeds and plants forced on the one hand, all products must be accompanied by certificates attesting to their compliance with regulations Community countries on the other hand, the systematic control of the goods at the borders, to provide intervention inspection teams.

In 1987, on July 1 became effective Single European Act which amended the Treaty of the European Economic Community, and proposed that the ultimate objective area without frontiers in 1992, following the schedule established by the 1985 White Paper and facilitating the adoption of measures intended. In 1993, on November 1, entered into force the Treaty of Maastricht, which completes the single market. The treaty allows the implementation of policies and joint actions to

accompany economic integration in the EU - skilling environment, trans-European networks, consumer policy, education, culture, training, supplement and amend the list of legislative procedures and to the provision of transfer to the European Union, the current negotiations at intergovernmental level (Fuerea, 2003).

By 1985, the EU adopted a progressive legal framework, establishing sanitary controls for bovine animals and swine, guaranteeing consumers the perfect healthiness of foods of animal origin, regulating reproduction, genealogy books and ensuring good living conditions of animals.

Most times, the main control measures relating to compliance with this law remained the national authorities (Leonard, 2001).

Consequently, when animals and animal products traded between countries, national authorities checks and border stations. These measures involve administrative expenses, costs and delays incompatible with the single market. Abolition of controls at internal EU borders required a greater harmonization of national laws and regulations in the veterinary field, so that animals and animal products intended to be sent between two EU member states, to be inspected and certified at departure.

All measures that have enabled the internal market regarding veterinary and livestock was adopted, allowing from 1 January 1993 to suppress veterinary checks at the frontiers of Member States. The measures adopted by the Council of the European Union aims to Community harmonization criteria:

- animal health;
- public health and animal health
- animal husbandry, especially in matters of admission of purebred breeding animals and genealogy records.

If there are harmonized rules, the home Member State shall ensure compliance with these rules and the Commission's veterinary inspections provide the security required of all members. In the absence of harmonized rules, the rule of origin must ensure compliance of the recipient.

In the field of veterinary checks, as well as in other areas, suppression of internal controls must be accompanied by homogeneous external border controls, which exercises

control station at the border (about 320 specialized positions are currently borders Community). This whole system is provided starting from July 1, 1992 through the Animo joining border inspection posts with the receiving and SHIFT system receives information on import conditions for animals and products within the Union (Duke, 2002).

### **World Trade Organization, world organization for free trade commercial**

WTO - dealing with the rules of trade between nations at a global level. It is a free trade organization for the commercial, a forum for governments to negotiate trade agreements, a place for them to settle trade disputes in which operates a system of trade rules.

WTO was born out of negotiations and the WTO is the result of negotiations. Where countries have faced trade barriers, negotiations have helped to liberalize trade. But even in the WTO, in some cases, its rules support maintaining trade barriers-for example to protect consumers or prevent the spread of disease. The main objective of the WTO is to help producers of goods and services, exporters, and importers conduct their business, while allowing governments to meet social and environmental objectives. This also means, to ensure that individuals, businesses and governments know what the trade rules are around the world, and give them confidence that there will be sudden changes in policy. In other words, the rules must be "transparent" and predictable. Trade relations often involve conflicts of interest and need interpretation. The most harmonious way to settle these differences is the neutral, through procedures based on an agreed legal foundation. That is the purpose behind the dispute resolution process contained in the WTO agreements.

WTO began life on 1 January 1995, but the trading system is half a century old. Since 1948, the General Agreement on Tariffs and Trade (GATT) system provided rules. Over the years, the WTO GATT evolved through several rounds of negotiations. The latest round of GATT and the largest was the Uruguay Round which lasted from 1986 to 1994 and led to the creation of the WTO Romania is a member country of establishment, in 1994, and ratified agreements and conventions developed

over the years. Also in 1994, under the Uruguay Round Final Act was signed the Agreement on the application of sanitary and phytosanitary measures. Agreement applies to all sanitary and phytosanitary measures which may directly or indirectly affect international trade.

The agreement on sanitary and phytosanitary measures established for members, fundamental rights and obligations, equivalence, risk assessment and determining the appropriate level of sanitary or phytosanitary protection,

## CONCLUSIONS

Import of animals or animal products may present a degree of disease risk to the importing country. One or more diseases may contribute to, or may be at the origin of this risk. For these reasons, the international trade in animals and animal products import requirements of the importing country sets. The risk is preferable if not mandatory after global founded the World Trade Organization (WTO), consisting in maintaining "zero risk" because it leads to a decision more objective and allows the veterinary administrations

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adaptation to regional conditions, including areas where there is no transparency, control procedures, inspection and approval, technical assistance, special and differential treatment, consultation and dispute settlement, administration, implementation and final provisions in 46 articles. Romania, as a member of the WTO has legal representation in all organizational structures in the veterinary field since 1995, participating in all the meetings organized by the Committee on Sanitary and Phytosanitary Measures (Gonciarov, 2008).

discuss any differences may occur related to potential risks.

In this context, the World Organisation for Animal Health (OIE) established the "Terrestrial Code" demanding different levels to ensure a risk as low as possible to accept for each animal species for each disease and other animals live animal products.

Abolish controls at internal EU borders required a greater harmonization of national laws and regulations in the veterinary field , so that animals and animal products intended to be sent between two EU member states , to be inspected and certified at departure, giving up all subsequent checks (Manolache, 1995).

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