

European Market and Still Remaining Barriers to Genuinely Free Movement of Goods: the Role of Technical Regulations

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In this paper the authors analyze the metamorphosis of understanding trade in Europe: from Antics, from the first systemized economic attitudes in early middle ages through mercantilists and Adam Smith who laid down the basement of classical political economy. Free trade was considered as one of motive powers in the whole economic process.

Physiocracy, Classical economics, Marxist economy, Historical School, Marginalists and Neoclassikes proceeded, supplemented or disputed that theory until the XX century, discovering main principles in micro-economics.

XX century was mainly devoted to macroeconomics and global problems. Great Depression proved that trade restrictions depending on its size lead to economic disaster. In the second half of XX century Europe decided to achieve free trade at least between the member states. The idea of Single Market was born and formally completed. The EU internal market is supposed to be an area without any trade barriers. It is supposed to be but there is still much to do in achieving a really unhampered flow of goods and services in Europe, and not only enlargement leaves the problem open. The legal basis of the EU permits the possibility to misuse health and safety requirements as a hamper of full economic integration of the expanding EU family.

Keywords: *technical regulations, trade, trade theory, trade barriers, European internal market, qualitative restrictions of trade.*

Introduction

Few countries are really approaching completely free trade. In particular not European but the Asian city-state of Hong- Kong was the only modern economy with no tariffs, no import quotas and with no latent protection indeed, but this changed in 1997 when the government reverted to China, which is fairly protectionist.

Europe has an equivocal position concerning the issue of trade policy. Seeking to abolish remaining barriers to free movement of goods inside the internal market EU is pursuing a fairly protectionist trade policy with a third countries. A conclusion shall be done that "old good Europe" has much to do meeting hundreds of years old theoretical statements.

Already the antique philosophers directed their thoughts to economic problems. First systemized economic attitudes including the trade were developed in early middle ages. Mercantilism, which originated in the

seventeenth century, held that silver and gold were the mainstays of national wealth and essential to vigorous commerce and on these grounds tried to mold economic policy. The advantages of free trade first were established by A. Smith in 1776 in his book "The Wealth of Nations".

Nonetheless, since the time of Adam Smith economists have advocated free trade as an ideal toward which trade policy should strive (Krugman, Obstfeld, 1995).

The European Union, which has the most recent literature and plenty scientific researches about technical barriers to trade and the costs caused by all these restrictions, reducing all trade hampers between the EC member states still has comparatively high external autonomous* tariffs, especially for agricultural products and still uses to subsidise its farmers. Moreover, there still are obstacles to genuinely common European internal market. Some of them are those of natural origin, such as prevalent customs and traditions or geographical distance, some are man-made but have weighty reasons to be kept, i.e. on the grounds of public morality, public policy or public security, and are not a very topic of economists.

Therefore the problem is that the EU governments not only have some possibilities to purposely protect their producers inside the single market but that they still use to do that.

The subject of further analysis is the evolution of understanding the trade in Europe and the role of technical regulations in the Single European market.

The aim of the article is to survey the metamorphosis of trade theory in Europe; to analyze our time situation in the Single European Market: remaining legal basis for protectionism and the economic effects of such policy; to compare qualitative, or technical barriers to trade with tariffs.

Research methods are systematic, logical and comparative analysis of economic and historical statements and concepts.

The metamorphosis of trade theory in Europe: from mercantilism to our time

Trade and exchange in Europe are not much younger as a mankind. Therefore a long time these

* Autonomous tariffs-those which are valid outside the prevential trading agreements.

processes were spontaneous and natural, driven by force to survive and not based by any theory. Although already in Antics thinkers and philosophers were directing their thoughts to economic problems, first systemized economic attitudes including the trade were developed in early middle ages. The negative effects of foreign competition on domestic producers started to be grasped in the sixteenth century when the modern nation-states (France, Great Britain) emerged. Economic policy came to new phase. Now seeking to ensure the prosperity of home industries governments placed import duties or even prohibitions on wool, soap, salt, candles, foreign corn, cattle etc. Later nearly all the imports were taxed – heavy duties being imposed upon almost all goods imported, and this was done “not only because of fiscal, but of protectionist purposes” (Smith, ed. of 1981).

Mercantilism, which originated in the seventeenth century, held that silver and gold were the mainstays of national wealth and essential to vigorous commerce and on these grounds tried to mold economic policy. In 1630 Thomas Mun wrote that in order to increase wealth of a nation countries (in this particular case- Great Britain) should stimulate the exports and restrict the imports (“to sell more to strangers yearly than we consume of theirs in value”) (Krugman, Obstfeld, 1995). In other words, mercantilists saw a great necessity of state intervention to the process of international trade.

The advantages of free trade first were established by A. Smith in 1776 in his book „The Wealth of Nations“. “This perfect freedom of trade would even be the most effectual expedient (...) and most advantageous manner“- Adam Smith wrote in this famous work.

Physiocracy, Classical economics, Marxist economy, Historical School, Marginalists and Neoclassicers proceeded, supplemented or disputed that theory till at the end of XIX century when the main principles of microeconomics were discovered. Free trade was proved to be an ideal toward which trade policy should strive. Great Depression in the beginning of XX century obviously proved that trade restrictions depending on its size lead to economic disaster, but at that time as in the modern world, governments did not necessarily do what economists told them they should.

XX century was mainly devoted to macroeconomics and global problems. At the second half of XX century globalisation of trade gave a pabulum to modern economic thinkers, and the role of European economists was that of diminishing: the Americans came to the science. Therefore even if working in the States, Nash, Kirzner, Porter as well as plenty other grate names in modern economics have European routs and their ideas are known world wide.

If to analyze the European authors of our time, the economists are elaborating new theoretical models once again proving that free trade will avoid the efficiency losses associated with protection. Many economists believe that free trade produces additional gains beyond the elimination of production and consumption distortions (Wunner, 2000). Finally, even among economists who believe free trade is a less than perfect policy, many believe free trade is usually better than other policy governments like to follow (Vousden, 1997).

Free trade versus protectionism

There are some exceptional cases in economic theory and some valid arguments when limitation or taxation of imports coming into the country are considered better and more reasonable than total economic passivity. When serious distortions exist in the domestic economy or when a government is unable to solve existing problems because of political, financial or other reasons, when a newly founded state lacks experience or money and trade barriers (tariffs) are put into practice as a short-term measure, protectionism can be justified and excused (Krugman, Obstfeld, 1997). The tendency is that the poorer the country, the higher the custom tariffs, but it does not show the true extent of protection. (Vousden, 1997). The industrial countries can not use tariffs so openly because of various ratified agreements, membership in different international organisations (GATT, NAFTA, TAFTA, EC etc.) or ethical reasons (to impose the custom duties is so -called „palms upward way“ because the tax collections supplement state treasure), sometimes they abuse their power protecting their domestic markets from foreign competitors, especially from the developing countries who often have price advantage because of lower labor costs but not enough political influence for “counter-attack“ (Krugman, Obstfeld, 1997).

Loudly arguing the advantages of free trade industrial countries protect domestic markets even more than developing states do, using so called “non-tariff“ measures (Kindleberg, Lindert, 1978).

The GATT secretariat maintains that the costs, which are incurred by the industrialised countries because of protectionism, are higher than the total amount of development aid coming from these countries (W.Hesser, A. Inklar, 1994). According to Krugman and Obstfeld (1995), at the moment WTO is not enough either to control growing non-tariff barriers to trade or to counter growing political pressure for protectionism.

Non-tariff trade barriers

Adam Smith mentioned only two kinds of international trade barriers, namely tariffs and import prohibition, but today’s advanced world knows much more versatile ways to prevent an undesirable flow of goods. Krugman and Obstfeld (1995) point the following non-tariff trade barriers:

1. Export subsidies.
2. Import quotas.
3. Voluntary export restraints.
4. Local content requirements.

According to Kindleberg and Lindert (1978) there must be 50 ways to restrict foreign trade; as main non-tariff barriers to trade they indicate the following ones: export subsidies, import quotas, state monopolies on foreign trade, buy-at-home rules for government purchases and *red tape barriers* (these include health, safety etc. requirements). And the GATT secretariat for 1995 has uncovered 800 variations of non-tariff barriers and divide them first of all into the natural barriers and artificial ones, which are imposed by the states in order

to protect one or another industry branch or to guarantee the full domestic employment prevailing the flow of undesirable goods or services (Huigen, H. W., Inklaar, A., Peterson, E., 1995).

The main natural barriers of international trade are language, religion, prevalent customs and traditions or geographical distance. Some natural trade barriers, such as habits bounded with religious requirements and prejudices, are more difficult to overstep.

Geographical distance as natural trade barrier inconveniences the foreign trade less and less because of modern transport means and the importance of domestic language is fully realized by importers. Of course, getting over these obstacles creates the additional costs for producers or tradesmen.

The first significant practical step taken towards not only European but the world free trade was made in October 1947 in old good Europe when GATT- the General Agreement of Trade and Tariffs – was established in Geneva. From 1st of January 1948 when the agreement came into force, GATT was the most significant international organisation regulating multilateral trade. GATT (since 1995 WTO- World Trade Organisation) works towards free trade, lowering or even abolishing existing custom tariffs and non-tariff trade barriers.

The real dismantling of existing tariffs began in 1950/1951 in the third round of GATT in Torquay, England and was later carried on at the subsequent eight rounds. But free trade is not that easy to reach; notwithstanding that the battle between the „big minds“ of economic theory for and against free trade long favored the free flow of the goods, services, capital and human resources, and notwithstanding that it has been proved by the majority of economists that free trade is better for the world economy as any restrictions, protectionism still exists. Governments are still disposed to protect domestic industries. Countries with market-oriented transitional economies as well as high-developed states are still trying to solve their own problems at the expense of other countries (Krugman, Obstfeld, 1997).

European Community, which has the most recent literature on trade effects as well as plenty scientific researches working on the issues of free trade and the costs caused by trade restrictions, made significant efforts reducing all trade hammers between the EC member states (Brenton P., Manzocchi S., 2002). On the other hand European Union still has comparatively high external autonomous* tariffs, especially for agricultural products and still use to subsidise her farmers to keep them alive by confronting with foreign competition (Granslandt, Markusen, 2001).

Free movement of goods and services in the European Union

If to talk briefly about how the European family was leading her way to economic integration after the World War II main steps are to be pointed out:

* Autonomous tariffs-those which are valid outside the preferential trading agreements.

1. The end of the 1960s when tariffs and quotas had been abolished within EU internal space. Tariffs were abolished but many technical and administrative obstacles to free trade still persisted. According to the survey of more than 11.000 producers of different industrial branches within the European Community in 1988, the main non-tariff trade barriers inside the EC were:

- a) Physical barriers (e.g. the control on the European internal boards and all bureaucratic staff);
- b) Technical barriers (different standards and technical requirements, contradictory law in the states of EC etc.);
- c) Tax barriers (especially value-added tax) (Checcini, 1988).

2. 1985 when the Economic and Social Committee of European Commission adopted an opinion on the completion of the EU Internal market (so called White Paper). European Community has embarked on ambitious attempt to create a unified internal market.

3. The end of 1992 when the EU Single Market was formally completed.

The single market is defined as an internal market characterised by the abolition, as between Members States, of obstacles to the free movement of goods, persons, services and capital (EC Treaty, Article 3).

An internal trade without barriers is stated in European law what says that quantitative restrictions on imports and all measures having equivalent effect shall be prohibited between Member States (EC Treaty, Article 28) and that quantitative restrictions on exports, and all measures having equivalent effect, shall be prohibited between Member States (EC Treaty, Article 29).

The single market is the core of today's European Union. To make it happen, the EU institutions and the member countries have had to draft and adopt the hundreds of directives needed to sweep away the technical, regulatory, legal, bureaucratic, cultural and protectionist barriers that stifled free trade and free movement within the Union. As we see, it took seven years for the Member States to remove non-tariff barriers to trade between them and to turn their "common market" into a genuine single market in which goods, people and services can move freely throughout the EU.

The advantages of common market without trade barriers are obvious. When trade obstacles are removed and national markets opened, more firms can compete against each other. This means lower prices for the consumer as well as greater choice (Ganslandt, Markusen, 2001).

Firms selling in the single market will have unrestricted access to more than 450 million consumers – the figure after the Union's enlargement to 25 members in 2004 – enabling them to achieve economies and efficiencies of scale, which enables lower prices. According to the Commission, the single market has created 2.5 million new jobs since 1993 and generated more than €800 billion in extra wealth. It is worth to mention that, simultaneously helped by new technology, the opening

of national EU markets has brought down the price of national telephone calls by 50% since 1998. The other example of how efficient is international trade without barriers is that under pressure of competition, the prices of promotional airfares in European single market fell by 41% between 1992 and 2000 ([http:// europa.eu.int/comm/ internal_market/ 10years/ index_en.htm](http://europa.eu.int/comm/internal_market/10years/index_en.htm)).

The single market also provided a useful spring-board for European firms to expand into today's globalised markets.

Barriers to a genuinely common European market

The Single European Market was formally completed, though there is still work to be done in some areas – for example, to create a genuinely single market in financial services.

There is also a need to remove more red tape – those administrative and technical barriers to the free flow of goods and services. These include the reluctance of EU countries to accept each other's standards and norms and cases when clear economic aims are hidden under the justification of exceptions allowed by the same EC Treaty.

This is an important point. The EC Treaty practically foresees exceptions of free trade between the member states in sake of public health and security. There is stated that trade without the frontiers shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants; the protection of national treasures possessing artistic, historic or archaeological value; or the protection of industrial and commercial property. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between Member States (EC Treaty, Article 30).

In spite of all nice initiatives and obligations one can not negate a fact that governments of the Member States are still disposed to protect domestic industries. Just some examples from Commissions website:

The European Commission has sent formal requests to Belgium, Germany and Italy asking them to eliminate unjustified obstacles to the free movement of goods in the Internal Market (in violation of Articles 28 to 30 of the EC Treaty). These obstacles relate to construction products (Belgium), polyethylene waste (Italy), cars (Italy), measuring instruments (Germany), pesticides (Germany) and garlic-based food supplements (Germany). Brussels, 13 February 2003 ([http://europa.eu.int/comm/ secretariat_general/sgb/droit_com/index_en.htm](http://europa.eu.int/comm/secretariat_general/sgb/droit_com/index_en.htm)).

The Commission has decided to bring proceedings against Italy concerning its national regulations on agricultural trailers, which have the effect of preventing the use and import into Italy of most trailers manufactured in other Member States, contrary to the principles of free movement established by the EU Treaty. The Commission has also referred Netherlands to the Court of Justice because of the constraints it places on private security companies which wish to provide services in

the Netherlands (...) Brussels, 28th April 2003 (http://europa.eu.int/comm/secretariat_general/sgb/droit_com/index_en.htm)

The European Commission has decided to formally request Germany to modify its regulations on controls for fire extinguishers. In the Commission's opinion, these regulations unjustifiably prevent the marketing on German territory of fire-extinguishing aerosols originating in other Member States. The Commission has also decided to ask Spain to lift a marketing ban on certain energy drinks and dietary supplements containing guarana and caffeine(...) Brussels, 29th September 2003 (http://europa.eu.int/comm/secretariat_general/sgb/droit_com/index_en.htm).

We see that European Commission and European Court of Justice still have a lot to do tackling barriers to trade which happens to be hidden under the grounds of public morality, public security or health protection.

If latent protection is hid under grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants, then standards, describing this required level of healthy or socially safe products are *tools* in the hands of protectionists (Granslandt, M., Markusen, J.R., 2001).

Last but not least our personal classification is: if the idea to hide protectionism under the argument of humans health or welfare of plants is a strategy, then standards and conformity assessment is a tactics.

Standards – or better to say technical, health and safety requirements – by Krugman and Obstfeld (1995) are mentioned only briefly amongst the “many other ways in which governments influence trade“, but in reality economic and legal aspects of abolishing technical barriers to trade are of importance at the EU Single Market. Theoretically the problem was solved *via* harmonisation of standards and technical regulations in all member states. However the provisions of Article 30 of the EU treaty (indisputably made to keep the illusion of autonomy of member countries live) still give a chance for protectionists to interfere free trade in the common market.

Under the completion of the Single Market Gert Nicolaysen (1996) gives us the following examples of trade barriers that still exist in the EU:

1. Safety requirements for food;
2. Technical regulations;
3. Price regulations;
4. Conditions of sale and competition law.

The situation existing in the Europe reflects the general situation in highly developed countries: after doing away with tariffs, differing technical, product safety, health as well as environment protection requirements and other rules serve as obstacles to the free flow of goods. (Brenton, Manzocchi, 2002).

From what is said a conclusion that standards are pure hamper and a real foe of any progress can be done. To avoid that I would like to stress that generally the adoption of standards does not really belong to the instruments of government trade policy- they do relate to legitimate regulatory functions but protecting consumers from low-quality products (e.g. regulating the max.

quantity of replacement products in meat or milk products) or producers from low-qualified competition often they do interfere with preconditions for the free trade (Stephenson, 1997).

Economic effects of qualitative trade restrictions

From all what has been said it follows, that forced to make do without custom tariffs industrial countries do not refuse protectionism at all: the business people have too much power in every government and unemployment is still a pressing problem in most countries. There are some non-economic arguments in favour of protection like national pride (French vine) or national security considerations (e.g. the prohibition against importing weapons into Israel to secure the further progress of the national defence industry) as well. If to accept that qualitative restrictions (i.e. different standards based food safety regulations) are used as a substitute for tariffs with the intention of preventing an undesirable flow of goods let us consider that a standard existing in country A for a particular product a is more strictly determined than in country B. Then the effects of such a policy would be as follows (Kindleberg, Lindert, 1977):

1. Producer effect: by driving up the costs of producer B and so the domestic price on imports as well producers in country A would be given a chance to raise their output. We see that qualitative restrictions bring the same gains for domestic producers, who face import competition, like tariffs (Organisation for Economic Co-operation and Development, 1997).
2. Consumer effect: consumers are always hurt by protectionism- in both cases domestic consumption declines; consumers are forced to pay higher price as well.
3. Revenue effect: as long as custom duties are not so high to prohibit all imports, it also brings a revenue to the states budget. If standards are used to prevent the imports, the state gets no revenue.
4. Taxation effect: price difference in both cases could be a great strain on the resources of buyers without being recognised as „tax object“.
5. Competition effect: any restrictions of foreign trade disturb free competition, hinder technological progress and so lower the well-being of every nation including the country imposing trade barriers.
6. Costs effect: there are administrative costs of both trade policies we are comparing.
7. Assuming the theoretical part the conclusion is as follows: if we compare the welfare effects of qualitative restrictions as a possible instrument to influence free trade with tariff protection we see that qualitative restrictions are not better, and in some cases even worse, than imposing tariff for the nation as whole (Krugman, Obstfeld, 1997). The most important negative side of all non-tariff trade barriers is that they bring no income into the state treasury to outweigh the costs of protectionism.

Conclusions

First systemized economic attitudes in Europe were developed in early middle ages. First European economic school- mercantilists saw a great necessity of state intervention to the process of international trade.

The advantages of free trade first were established by A. Smith in 1776 in his book “The Wealth of Nations“.

Since the time of Adam Smith economists have advocated free trade as an ideal toward which trade policy should strive.

Nowadays as well as in the middle ages the politicians do not necessarily do that theorists advise as a right policy.

The EU governments not only have some possibilities to purposely protect their producers inside the single market but they still use to do that.

The EU internal market is supposed to be an area without any trade barriers, but there is still much to do achieving really unhampered flow of goods and services in Europe. The legal basis of the EU permits the possibility to misuse health and safety requirements as a hamper of full economic integration of the expanding EU family.

If to compare qualitative, or technical barriers to trade (like incompatible standards or obligatory third-party certification) with tariffs technical barriers to free trade have more negative effects for the national welfare (OECD Working Papers, 2002).

The European Unions still has a lot of work to do by guarantying an unhampered flow of goods and services in the EU internal market (Feathersone K, 1999). And a new inevitable target confronts the new enlarged Union- to work hard reducing the pretty high level of external protection (OECD Working Papers, No. 6, 2000).

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Laisvo prekių judėjimo kliūtys Europos Sąjungos viduje: techninių reglamentų vaidmuo

Santrauka

Mūsų šalis, kaip ir visa Europa, neseniai peržengė kokybiškai naujų įvykių slenkstį: 2004 metų gegužės pirmą dieną Lietuva kartu su grupe kitų Centrinės ir Rytų Europos (CRE) šalių įsiliejo į vieningą rinką, bendrą valiutą, nusistovėjusius ekonominius santykius bei aukštą industrializacijos lygį turinčių šalių grupę.

Istoriškai ir geopolitiškai naujosios Europos Sąjungos narės neabejotinai priklauso Europai. Taip pat neabejotina ir tai, jog CRE šalys ateina į naująją sąjungą su visiškai skirtinga pusės šimto metų patirtimi. Todėl tiek senajai Europai, tiek paskutinės jos plėtros dalyvėms niekada nebus per daug pastangų pažinti tarpusavio istoriją ir mentalitetą, tradicijas ir kultūrą, suformavusius teisinę bei ekonominę Europos Sąjungos dabartį.

Prieš imantis pristatyti šiandieninę situaciją Europos Sąjungos viduje ir prieš analizuojant bendrojoje rinkoje tebeesančius prekybos barjerus, tarp kurių vieni svarbiausių yra galiojantys skirtingi techniniai produktų saugumo reglamentai, straipsnyje trumpai nusakyta ekonominės minties istorija.

Ekonomikos mokslo atsiradimas neabejotinai siejamas su Europa, konkrečiai- su XVIII amžiuje Europoje kilusia ekonominių reiškinų stambinimo tendencija. XVIII- XIX amžiuje susiformavo klasikinė ekonomikos teorija. Svarų indėlių į šį procesą įnešė britai A. Smitas, D. Rikardo, T. Maltusas bei Dž. Milis, prancūzai Ž. B. Sėjus ir F. Bastia. Iki XIX amžiaus pabaigos būtent senojo žemyno

mokslininkai ir suformavo pagrindinius ekonomikos postulatus.

Teorijos, paplitusios iki XX a. pradžios, buvo daugiau mikroekonominio pobūdžio. Makroekonominės analizės atsiradimui stiprų impulsą davė anglų ekonomisto Džono Keino (1883- 1946) veikla, tačiau toliau lyderių pozicijas kuriant ekonomikos mokslą perėmė amerikiečiai- Samuelsonas, Fridmenas, Kindlebergeris, vėliau- Nashas, Kirzneris, Porteris- mokslininkai, aplink Keino suformuota makroekonomikos šerdį išplėtoję šiuolaikinius ekonomikos principus.

Laisva tarptautinė prekyba, Microsoft Encarta Enciklopedijoje (1999) apibrėžiama kaip prekių ir paslaugų mainai tarp nacionalinių rinkų, pripažinta globalinio ekonominio augimo varikliu (Hinkelman, 2002). Mokslinėje literatūroje pripažįstama, kad valstybių sienų, fizinių ar administracinių kliūčių nevaržomi prekių mainai gamintojams leidžia pasiekti optimalų gamybos lygį (masto ekonomija), o šalis suteikia galimybę specializuoti tų produktų gamybą, kur įmanoma gaminti su mažiausiais kaštais, efektyviausiai naudojant turimus išteklius (Husted, 1998).

P. Samuelsonas(1989) teigia, kad visų pirma santykinio pranašumo teorija įrodo ir pagrindžia laisvo tarptautinio prekių judėjimo privalumus, pasiekiamus darbo pasidalijimo ir specializacijos dėka; kad laisva prekyba kiekvienai šaliai leidžia išplėsti savo gamybos pajėgumus ir vartojimo apimtį; kad tai kelia pasaulinį pragyvenimo lygį.

R. Gilphinas (1998) papildo, kad laisvo prekių judėjimo tarp šalių dėka plinta naujos technologijos ir didėja iš investicijų gaunamas pelnas; didėja vartotojų galimybė rinktis; kartu su prekėmis galiausiai vyksta ir kultūrų bei papročių sklaida.

Kai kurių autorių teigimu, prekybos kliūčių (fizinių, administracinių, politinių, fiskalinių ar kitų) tarp šalių panaikinimas leidžia stipriau pasireikšti rinkos svertams ir principams, tad rinkų atvėrime pasauliui galima įžiūrėti ir neigiamų aspektų: nacionalinio faktoriaus silpnėjimą, vartotojiškos visuomenės ugdymą, tradicinių veiklų nykimą (Bordo, Eichengreen, Irwin, 1999).

Liberalizmo ir protekcionizmo teorijų taikymas šiandienos ekonomikoje įgavęs tokį pobūdį: garsiai pripažįstama laisvo prekių judėjimo nauda, bet tyliai vis dar siekiama ginti savas rinkas nuo užsienio konkurentų ar suteikti vietos gamintojams privilegijų kitų šalių gamintojų atžvilgiu.

P. Samuelsonas (1989) teigia, kad protekcionistiniai vyriausybių veiksmai visais laikais buvo vaisinga dirva revoliucijoms, maištams ir politinėms kovoms.

Šiandieniniai protekcionizmo šalininkai remiasi idėja, kad šalies vartotojų ir visos visuomenės pajamos turi būti paskirstomos taip, kad iš to laimėtų valstybės gamintojai ir pati valstybė. Vartotojų interesus nutylimas. Savo tikslams pasiekti protekcionizmo šalininkai naudoja įvairias laisvą prekių judėjimą ribojančias priemones: muitus ir įvairius netarifinius prekybos apribojimus (kvotas, savanoriškus eksporto ribojimus, eksporto subsidijas, administracinius, techninius barjerus). Ne išimtis ir naujoji Europa.

De jure Europos Sąjungos rinkoje, kurios dalimi nuo 2004 metų tapo ir Lietuva, užtikrintas laisvas prekių ir paslaugų judėjimas. Autoriai gina nuomonę, kad Europos Sąjungos bendroji rinka dar neužbaigta- atsisakius muitų, kvotų bei kitų kiekybinių prekių judėjimo apribojimų, išliko techninių bei administracinių prekybos barjerai. Bendrijos sutarties 30 straipsnis šalims narėms ne tik suteikia galimybę uždrausti įvežti į šalį grėsmę visuomenei ar žmonių sveikatai keliančius pramoninius ir maisto produktus, bet ir atveria erdvę protekcionistams.

Pastaraisiais metais Europos mokslininkų dėmesys vis dažniau telkiamas prie techninių prekybos kliūčių problemos.. Tam yra objektyvios priežastys: laisvas prekių ir paslaugų judėjimas Europos Sąjungos viduje formaliai pasiektas 1992 metais, kuomet oficialiai buvo baigta kurti bendroji rinka. Ekonominės sistemos, kurios dalimi tapo Lietuva, viduje nėra muitų, fiskalinių ir fizinių prekių ir paslaugų judėjimo kliūčių. Tą užtikrina Bendrijos Sutarties 28 ir 29 straipsniai: bet kokie kiekybiniai eksporto ir importo apribojimai bei priemonės, turinčios lygiavertį poveikį, yra draudžiami tarp šalių- narių, tačiau naujausių mokslo teorinių ir analitinių darbų analizė rodo, kad realiai bendrojoje rinkoje dar yra išlikę laisvo prekių judėjimo kliūčių.

M.A.Landesmannas, R. Steheris (2001) teigia, kad ekonominiai santykiai bendrojoje rinkoje dar gerokai skiriasi nuo vienos šalies prekybinio modelio. Pripažįstama, kad Europos valstybėse galiojantys skirtingi techniniai, produktų saugos, aplinkosaugos bei kiti reikalavimai (techninės laisvo prekių judėjimo kliūtys) tapo svarbiausiu trukdžiu įgyvendinant bendrosios rinkos principus Europos Sąjungos viduje (Volert, 1993; Landesmann,

Steher, 2001; Brenton, Manzochi, 2002).

Prielaidas techniniais reglamentais riboti prekių pateikimą į nacionalines rinkas visų pirma sudaro teisinė nuostata, kuria šalims narėms suteikiama galimybė riboti įvežimą į šalį prekių, keliančių grėsmę žmonių sveikatai, saugumui, aplinkai, moralei ir kt. (Bendrijų Sutartis, 30 str.).

Minėtas straipsnis leidžia šalims ES šalims nustatyti autonominius techninius ir saugumo reglamentus, ginant savo vartotojus nuo fiziškai nesaugių ar morališkai kenksmingų, aplinką teršiančių ar kitaip žalingų produktų.

Europos Sąjungos teisinės sistemos sudėtingumas, reikalavimų ir direktyvų gausa taip pat gerokai apsunkina gamintojų, ypač rinkos naujokų, veiklos bendroje ekonominėje erdvėje sąlygas. Didelę dalį šiuo metu Europos Sąjungoje galiojančių 1500 direktyvų ir 300 reglamentų sudaro techniniai (kokybinius ar produktų saugos) reikalavimai teikiama Europos rinką produktams; jų perėmimo ir įvykdymo kaštai ypač yra juntami naujai įstojusių Centrinės ir Rytų Europos šalių gamintojams (Brenton, Manzochi, 2002).

Trečias veiksnys, sąlygojantis techninių prekybos kliūčių egzistavimą Europos Sąjungos viduje, yra nevienodas nacionalinių teisės aktų suderinamumo tarp šalių- narių laipsnis atskirose techninio reglamentavimo srityse. Vienos problemiškesnių sričių yra maisto, statybos, farmacijos pramonės.

Europos Sąjungoje, technines prekybos kliūtis be aukščiausių išvardintųjų elementų, dar sudaro ir direktyvos, privalomos kaip rezultatas, tačiau leidžiančios pasirinkti priemones nurodytiems tikslams įgyvendinti. Bendrijos teisės aktai ir jų taikymo praktika (*acquis communautaire*) taip pat numato privalomus reikalavimus tokiose srityse kaip gamybos metodai, gaminių konstrukcija ir veikimo principai, produktų sudėtis ir savybės, bandymų metodai, atitikties įvertinimo procedūros, produktų ženklavimas, teikimo į rinką sąlygos, panaudotų produktų perdirbimas, atliekų tvarkymas ir pan. (Budreikaitė ir kt. 2002).

Apibendrinant įvairių autorių –L. Vermanno (1973), W.Hesserio (1995), Ganslandto ir Markuseno (2001) bei kitų autorių techninių prekybos kliūčių poveikio vertinimus, galima teigti, kad tiek vartotojų saugumo, tiek ir grynai protekcionistiniais tikslais vienoje šalyse nustatyti griežtesni nei kitur techniniai reikalavimai produktams, taip pat išlikę valstybių skirtingi techniniai reikalavimai gaminių kokybei daro poveikį:

1. Šalies- importuotojos gamintojams:

Sąlygoja papildomus kaštus dėl diferencijuotų produktų gamybos, jei priimtas sprendimas gaminti; papildomus sertifikavimo kaštus; prastovos kaštus atliekant pasienio kontrolę; nusprendus neeksportuoti į šalį su galiojančiais skirtingais techniniais reglamentais ar techniniais reikalavimais, dažniausiai lieka nepasiektos optimalios gamybos apimtys.

2. Vartotojams:

išaugę gamintojų kaštai paprastai sąlygoja aukštesnes įvežamų gaminių kainas (išskyrus dempingą); gali padidėti ir vietinių analogiškų prekių kainos- vietos gamintojai gali pakelti kainas iki importuojamų gaminių lygio; gamintojui nusprendus neimportuoti, sumažėja pasiūla, taigi ir vartotojų pasirinkimo galimybės.

3. Vietos gamintojams:

sumažėja konkurencija; atsiranda galimybė optimizuoti pelną, užėmus didesnę rinkos dalį ar padidinus kainas.

4. Valstybei:

Sąlygoja išaugusius kaštus dėl papildomo (paprastai biudžetinio) sertifikavimo; atsiranda papildomi administravimo kaštai; kyla pavojus, kad kitos valstybės imsis atsakomųjų priemonių, jei bus įrodyta jog prekybą ribojantys techniniai reglamentai nustatyti protekcionistiniais tikslais.

Techniniai prekybos trukdžiai Europos Sąjungoje, tapo viena svarbiausių temų Vidaus rinkos direktorato darbotvarkėje (Europa.eu.int/internal_market/en/index.htm). Europos Komisijos paskaičiavimais, techniniai prekybos barjerai sudaro apie 2% visu gamintojų kaštų (Manzocchi S., Brenton P., 2002), o jų panaikinimas šiandien tapo viena pagrindinių užduočių pilnai įgyvendinant Europos Sąjungos bendrosios rinkos principus.

Prognozuojama, kad dešimties naujų narių įsijungimas į Bendrąją rinką trumpame laikotarpyje padidins techninių prekybos kliūčių sukeltus kaštus iki 10 %.

Suvokdamos pajamų, bendro ekonominio ir socialinio išsivystymo lygio skirtumus *vis-a-vis* grupei šalių, į kurią apsisprendė įsiliesti, Lietuva ir kitos Centrinės ir Rytų Europos (CRE) šalys per paskutinį dešimtmetį iš esmės pertvarkė savo visuomeninę, ekonominę bei teisinę sistemas. Stojimo į Europos Sąjungą išvakarėse daugeliu aspektų mūsų šalis, kaip ir kitos Rytų kandidatės, pasiekė Europos Sąjungos lygį ekonominio atvirumo, muitų, narystės PPO aspektais, tačiau visiškai teisinės, techninės ir administracinės sistemos harmonizavimo, kuris yra svarbiausia prielaida šalinant technines prekybos tarp narių kliūtis, dar nepasiekta.

Pagrindinė straipsnio išvada: ES šalių laukia dar ilgas kelias užtikrinant realiai laisvą prekių judėjimą visoje sparčiai augančioje ekonominėje ir politinėje sąjungoje; tačiau jį nueiti reikės, nes protekcionistiniais tikslais nustatyti griežtesni nei kitose narėse šalyse techniniai reglamentai bei produktų saugos reikalavimai sumažina vartotojų galimybes rinktis, suardo prekybos modelį, mažina ekonomikos augimą, stabdo technologinę pažangą ir šalių gerovę.

Raktažodžiai: *techniniai reglamentai, prekyba, prekybos teorijos, prekybos kliūtys, bendroji Europos Sąjungos rinka, kokybiniai prekybos apribojimai.*

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