

# **The Colloquium of the Association of the Councils of State and the Supreme Administrative Jurisdictions of the European Union**

## *Consequences of the incompatibility with EC Law for final administrative decisions and final judgments of administrative courts in the Member States*

**- Warsaw 2008 -**

### **The National Report of Romania**

#### **Introductory Remarks**

Given the fact that Romania has been integrated into the European Union just recently, on January 2007, we are not able to indicate or to make reference yet to any specific and relevant jurisprudence, from the perspective of the theme described and proposed for debates and responses. Up to the date of preparation of present questionnaire, to our best knowledge, no court decision raising and/or solving the possible problems of incompatibility of administrative decisions and judgments of national courts with the EC law has been pronounced.

Nevertheless, we must say that over the past years, the applicable legislation and especially the administrative law on disputes has been several times amended and improved just in view of its compliance with the EC law requirements.

Consequently, since January 2005, a new Law on Administrative Disputes (No. 554/2004) is in force and it was adopted with the declared purpose of having new regulations and procedures permitting the effectiveness of the citizen's acknowledged substantial right as litigants.

Most recently, in July 2007 the Law on Administrative Disputes no. 554/2004 has been largely completed by Law no. 262/2007 especially in order to comply with and to make its provisions (*e.g.* procedural institutions) more efficient according to the legal standards and the EU law requirements (herein after referred to as "the Law on Administrative Disputes").

As this stage, as it shall be further developed herein, and in the context of the Colloquium theme, we just indicate that one of the most relevant amendment consists of a newly introduced provision, regulating a special revision case provided for the final and irrevocable court decisions pronounced in administrative matters.

In this respect article 21 paragraph 2 in the Law on Administrative Disputes stipulates that a new revision ground is added to the existing ones in the Romanian Procedural Code (article 322 paragraphs 1-9) and it refers to the final and irrevocable court decisions pronounced by the administrative courts, with non-observance of the primacy principle of the EU law, acknowledged in article 148 para.2 in the Romanian Constitution.

In addition to that we have to mention that actually the entire Romanian legal system is governed by the *primacy principle* provided by the Romanian Constitution. According to articles 20 and 148 paragraph 2 in the Constitution, the international treaties to which Romania is a signatory party, including the human rights agreements and the EU treaties, as well as all the other EU mandatory regulations, have primacy compared to the national legislation, with observance of the adhesion treaty.

## **Questionnaire**

1. *Are there any procedural means under your national law which allows a final administrative decision to be revoked, if it turns out to be contrary to Community law? Please describe briefly the relevant provisions and national case-law:*
  - a) *do the legal provisions have general application or they relate specifically to the application of EC law?*
  - b) *which authority (administrative body or national court) is empowered under your legal system to make use of the procedural means in question?*

**Comment:** *This question focuses on the revocation of a final administrative decision in cases with Community element. However, if possible, the answer to this question should contain also the short description of all means, which allow the revocation of final administrative decisions in purely internal cases.*

1. As recommended and for the reasons indicated above, in this section we shall shortly describe internal means and national legislation provisions according to which the revocation of final administrative decisions is possible and permitted, being thus understood that we shall not necessarily and exclusively refer to the administrative decisions involving a Community law component.

Also, following the proposed terms definition, we shall refer in this section solely to the final administrative decisions, in the sense that such decisions, that can be taken and/or issued just by the local or national administrative authorities, does not include the court decisions.

Romanian legislation uses the notion of revocation of an administrative act (or decision) with the meaning that such describes the operation according to which the administrative body issuing a certain administrative act or decision, or its hierarchical body, may annul respective act.

Despite the fact that the national legislation does not contain a special provision acknowledging such principle, its existence is not questionable. Moreover the provisions in the Law on the Administrative Disputes confirm it indirectly as, to the extent that the judiciary has the power to annul or to “correct” the administrative acts, it is natural for the administration itself to have similar right.

In addition, the Law on the Administrative Disputes is conceived and structured in such way as to permit the administration to revoke, under certain circumstances, its final acts or decisions. The mandatory preliminary procedure provided by the Law on the Administrative Disputes in case of court disputes, consisting of a complaint addressed by the injured party first to the administrative body which is the issuer of the challenged administrative act/decision, demonstrates precisely that such principle is observed.

Moreover, the Law on the Administrative Disputes is the first piece of legislation to particularly provide the capacity of the public authority that issued an illegal individual administrative act/decision to ask the court to annul it, should respective act/decision may no longer be revoked administratively due to the fact that it entered into the civil circuit and generated legal effects.

Such request may be addressed to the court only within one year term since the issuance date of the respective act, considered illegal. According to the Law on the Administrative Disputes, in case the court shall receive the claim for annulment filed by the public authority that issued the administrative act in question, will have a decide also upon the validity of the legal acts concluded based on the annulled administrative act, as well as upon the legal effects produced, but only if requested in the court claim (article 1 paragraph 6) .

Finally, a difference has to be made between the individual administrative acts/decisions and the normative ones. The normative administrative acts are always and at anytime revocable, while the individual administrative acts/decisions can be challenged in court within no more than one year since their issuance date and with full observance of the preliminary procedures and time limits provided in the Law on the Administrative Disputes, as it shall be further developed.

2. *Do national provisions concerning the revocation of final administrative decision by administrative body:*
  - a) *grant discretionary powers to decide the matter; or*
  - b) *provide the obligation to revoke a decision under certain conditions?*

As we mentioned above, national provisions do not grant to the administrative body neither any discretionary powers in order to revoke a final administrative decision nor the obligation to revoke a final administrative decision under certain conditions.

According to opinions articulated in the Romanian doctrine, the revocation principle as an attribute of the public administration has to be specifically confirmed in writing in the future administrative code, currently under preparation.

Nevertheless, according to the *contrarius actus* rule, an administration decision has to be revoked by the administrative authority through an act having at least the same legal force, with full observance of the issuance procedure and in any circumstances with the recognition of the possibility that such revocation act may be challenged in court.

The Law on the Administrative Disputes expressly provides that the administrative body have no longer the possibility to revoke an individual administrative decision that produced any or all the effects it was adopted for.

3. *Does the possibility (or obligation) of revocation of final administrative decisions depend on the reason of its incompatibility with EC law? Please consider the following cases:*
  - a) *in the light of the ECJ's subsequent judgment, an administrative decision turned out to be incompatible with EC law or based on the misinterpretation of EC law (as in the Kühne&Heitz and Kempter case);*

First of all we have to make distinction between the individual administrative decision (concerning one or a determined number of persons) and the normative decision (applicable to an undeterminable number of persons).

In the case of the individual decision, as mentioned above, according to the article 1 para. 6 in the Law on the Administrative Disputes the administrative body has no right to revoke the final administrative decision after such decision entered into the civil circuit and produced the effects it was adopted for. But the administrative body as well as the concerned person have the possibility to ask the competent court to invalidate a final administrative decision for the reason of incompatibility with EC law and the court has the obligation to consider the EC law as well as the ECJ's case law.

In the case of the normative administrative decision (the decision concerning an undeterminable number of subjects), the administrative body has the obligation to make it compatible with the EC law.

This obligation of the administrative body results from the Constitutional provisions of article 148 which provide that the provisions of the constituent treaties of the European Union, as well as the other mandatory community regulations shall take precedence over the opposite provisions of the national laws, in compliance with the provisions of the accession act. If the administrative body does not modify the decision or shall not revoke it in order to replace it with a compatible one, the concerned person has the possibility to ask the court to invalidate this decision for the reason of incompatibility with EC law.

As already mentioned, the national provisions do not provide expressly the obligation neither for the administrative body nor for the court to invalidate an administrative decision under certain conditions.

But, as pointed out, the Law no.262/2007, amending the Law on the Administrative Disputes no. 554/2004 introduced a new ground of revision in the case of the irrevocable judicial decisions pronounced with infringement of the *primacy of the EC law principle*. Thus, the national provisions establish this last possibility for the revocation of a final administrative decision grounded on the incompatibility with EC law in case the EC law was not considered along the administrative procedure of the issuance of the act or during the court proceedings and debates before the Court.

For these reasons we believe that the national provisions established the legislative frame in accordance with the ECJ's case law in the judgment in *Kühne & Heitz*.

*b) the provisions of national law which provided the legal basis of a contested decision were incompatible with EC law (as in the i-21 Germany case);*

The article 148 paragraph 2 in the Constitution provides the primacy of Community law. As the ECJ envisaged in paragraph 52 of C-422/04 i-21 Germany, the administrative body responsible for the enacting of an administrative decision is under an obligation to review and possibly to reopen this decision if it is incompatible with Community law.

As indicated above, the administrative body does not longer have this possibility in case of an individual decision enacted which has produced its

effects, but it has the possibility, in accordance with article 1 paragraph 6 in the Law on the Administrative Disputes, to ask the Court to annul this decision. Ruling the case, the Court is under the obligation to due consideration of the EC law.

The individual administrative decision which became final as a result of a judgment of a national court ruling at final instance may then be subject of a revision, if needed, as provided by article 21 paragraphs 2 in the Law on the Administrative Disputes.

*c) an administrative decision infringed EC law or was issued without giving due consideration to the ECJ's case law.*

According to article 21 paragraph 2 in the Law on the Administrative Disputes, an individual administrative decision which became final as a result of a judgment of a national court ruling at final instance may be revised only if the court has ruled without observing of primacy of EC law. The final and irrevocable judgment of the national court will not be revised if at the time of judgment the court observed the EC law and the ECJ's case law.

Conclusively, the national provisions (article 21 paragraph 2 in the Law on the Administrative Disputes) establishes the possibility for the administrative body and the concerned persons to ask the court to revise a final administrative decision, confirmed irrevocably by a court decision that is not in compliance with the ECJ's case law.

4. *In order to revoke a final administrative decision which is contrary to Community law, is it a precondition that a party (a person concerned):*
- a) contests (challenges) the decision in the course of the administrative procedure?*
  - b) appeals against the decision to the court? Is it sufficient to appeal to the national court of the first (lower) instance or is it necessary to exhaust all means of judicial review?*
  - c) makes use of any other available legal means provided under national law? What kind of means (ombudsman, etc.)?*

According to the Law on the Administrative Disputes, any person concerned aiming to obtain revocation of an administrative decision, considered to be illegal or harmful for any reason, including discrepancy or divergence to Community law, following a judicial procedure, before filling its request with the competent court, is obliged to request first to the public authority that issued respective decision, with 30 days since the communication date, to annul it totally or partially. That is the so called the mandatory preliminary administrative procedure, which may not be followed only when the court complaints are filed by the Ombudsman, the prefect, the National Agency for Public Servants. The public authority is obliged to solve and/or to respond to such preliminary complaint and request within 30 days.

In case the person concerned did not obtain revocation of the challenged administrative decision in the course of the administrative procedure or for any other reason is not satisfied with the solution and/or the response given by the public authority, it shall file its complaint with the competent court, within six (6) months since the public authority communicated its response (or refused in effect to respond) following and based on the procedural rules contained in Law on the Administrative Disputes. Non observance of the Community law may be and, actually, has to be invoked in our interpretation, also in front of the court as well as before the administrative authority during the mandatory preliminary administrative procedure.

5. *As far as the admissibility of revocation of final administrative decisions contrary to Community law is concerned, does it matter whether a party (a person concerned) raises the question of the infringement of Community law in the course of administrative procedure or the proceedings before the national court? (this issue has been raised in the Kempter case).*

In spite of the fact that neither Romanian legislation does not contain any specific provision on that precise matter, nor the national jurisprudence did not address to date such issues, it is our view and interpretation of existing relevant legislation that nothing may oppose to the question of the Community law infringement to be raised by the concerned party as soon as legally possible, that is to say starting with the initiation of the administrative procedure, called under Romanian law the mandatory preliminary procedure, described herein under section 4.

Moreover, the public authorities have the obligation, following the Constitutional provision, to issue acts and decisions in full compliance with the Community law. Should they fail to do so, following the request of the concerned party, it is still possible, as mentioned, that the administration itself revoke the challenged act/decision, to the extent such revocation is still permitted, or depending the factual circumstances, to find any other legal remedies, to the satisfaction of the concerned party as well, so that litigation is no longer required.

If the administration believes that no Community law infringement occurred, upon completion of the mandatory preliminary procedure, the concerned party shall file its complaint (the claim) with the competent court, which is thus required also to rule upon the invoked Community law infringement.

6. *Does pursuant to national law the national court reviewing the legality of administrative decisions take into consideration the provisions of Community law:*

- a) on request of the parties only?
- b) on its own motion (*ex officio*)?

Maintaining same clarifications as above, we indicate that according to the general legal principles in the Civil Procedural Code, complementary to the provisions in the Law on the Administrative Disputes, the competent national court ruling on the merits, when reviewing the legality of a judgment regarding an individual administrative decision may take into consideration the request of the parties but at the same time, may raise *ex officio* any potential infringement of the Community law.

The appeal court would have same legal options. Following the appeal court ruling, the court decision becomes final and irrevocable. Thus, any possible extraordinary appeal ways, as the revision is, can no longer be initiated *ex officio*, but only on the request of the parties involved and within a certain time limit.

7. *Are the powers described in Question 6 treated differently, if the case is examined by the court against whose judgments there is no judicial remedy under national law?*

In addition to the response given under section 6 herein, we add that according to the actual provisions in the Romanian law there are no court judgments against which, specifically, no judicial remedy is not possible, but of course such remedies may be exercised only within the time limits and under the terms there were mentioned.

8. *When an administrative decision, which has become final as a result of a judgment of a national court, turned out to be contrary to EC law, is it appropriate:*
- a) *to revoke the administrative decision (as in the Kühne case); or*
  - b) *to reopen the judicial proceedings?*

As a general rule, under Romanian law, when an administrative decision, having normative character (see also section 3 herein) has become final as a result of the judgment of a national court, turned out to be contrary to EC law, the administrative body is entitled to replace it with a different administrative decision with normative effect as well, within the administrative procedure, in order to make it compatible with the EC law.

If an individual administrative decision had become final as a result of a judgment issued by a national court, as we have mentioned in the last paragraph of the answer for question no.3, it is appropriate to reopen the judicial proceedings grounded on the national provisions (article 21 paragraph 2 in the Law on the Administrative Disputes) which establish the possibility for the administrative body and the concerned persons to ask the court to revise the the final administrative decision, confirmed irrevocably by a court decision that is



not in compliance with the ECJ's case law. Nevertheless such revision procedure can be exercised only within 15 days since the communication for the final judgment and it can trigger the correction of respective judgment, if it turns out that one was contrary to EC law. If such deadline is missed, at least for the time being no other remedy against court judgment is provided.

In other words, in case of an individual administrative decision, if the concerned person does not respect the time limit provided by law for opening the judicial procedure, following the revision procedure, the legality of that act cannot longer be verified by the court. This responds to the principle of *res judicata*,, significant for each national legal systems but also for the Community legal order, as also mentioned in the ECJ Kapferer judgment,.

To conclude, it is our view based on the above mentioned, that the Romanian national provisions offer possibilities for the administrative authorities as well as for the court to revoke a final administrative decision for the reason of incompatibility with EC law. Moreover, according to article 20 para.2 and article 148 para.2 in the Romanian Constitution, the administrative body has the basic obligation to issue acts which are compatible with EC law.

9. *The ECJ's judgment in the Kapferer case concerned matters of civil law. Do you think that the position of the ECJ (paragraph 24 of the Kapferer judgment) is also applicable to the judgments of national courts?*

In paragraph 24 of the Kapferer judgment, the ECJ stated that the EC law, more precisely the cooperation principle under Article 10 EC, does not require expressly the obligation for the national legal systems to disapply their internal procedural rules in order to review and annul a final judicial decision (*res iudicata*) if that decision prove to be contrary to Community law.

In responding to the question as further reworded by you in short, we believe that, at least from the theoretical perspective and based on our internal regulations, a judgment given in a civil case cannot be automatically applied also in an administrative case. According to the *res iudicata* principle provided by the Romanian Civil Code (article 1201) three (3) elements should be identical so that in another subsequent case such principle may be invoked as an exemption in order to trigger rejection of the second claim on that ground : same object, same legal cause and same parties.

Nevertheless, in our view, and in absence of any relevant jurisprudence, the legal interpretation and treatment of an EC law principle cannot be ignored to the extent that respective principle shall apply to an administrative matter as well and it is not surpassed by another special provision and/or principle.

10. What is your interpretation of the above mentioned judgments of the ECJ (*Kühne*, i-21 Germany):

- a) the ECJ accepts the principle of procedural autonomy of the Member States; or
- b) it means the imposition of an obligation on the Member States to introduce, if necessary, procedural means to ascertain that the principle of full effectiveness of EC law is respected?

Observing the content of the ECJ's judgment in *Kühne* (i-21 Germany), our interpretation is that the Member States are only in principle under the obligation to introduce some procedural means in order to ascertain that the principles of cooperation arising from Article 10 EC and of the full effectiveness of EC law are respected. Such obligation, however does not operate automatically though, but under certain conditions and circumstances which are also mentioned within same decision ( e.g. four conditions to be fulfilled under the *Kühne &Heitz* judgment).

The decision points out an element of high relevance which is the attribution of the administrative body concerned to determine to what extent it is under the obligation to reopen a certain decision without adversely affecting the interests of third parties. The principle of legal certainty seems to prevail or, at least, to be equally important to the principle of cooperation ( see case i-21 Germany).

Thus, it is our view that even if under certain legislations of the EU state members the administrative bodies have the power to reopen a final administrative decision, a certain time limitation for legal remedies exhaustion must exist in order to preserve the certainty of the legal environment and to protect the interests of third parties.

Our national provisions establishes in our view the appropriate procedural means to ascertain the full effectiveness of EC law.

The principle of legal certainty places the administrative body under the impossibility to revoke an individual decision that produced its effects, but it can ask the administrative competent court, within a certain time period, namely within 1 year from the issuance date of respective decision, to invalidate such act (article 1 para.6 of Law on Administrative Disputes).

An administrative act that was not subject of a court decision with observance of the timing and of the procedures imposed by the Law on Administrative Disputes, becomes final upon expiration of the time limits allowed for its challenge.

11. Does your national law in the discussed field comply with the principles of equivalence and effectiveness, as interpreted by the ECJ (see e.g.: case i-21 Germany, paragraph 57)? Please state your opinion.

Article 20 para.2 of our Constitution expressively provides that where any inconsistencies exist between the covenants and treaties on the fundamental human rights to which Romania is a signatory party, and the national laws, the international regulations shall take precedence, unless the Constitution or national laws comprise more favorable provisions. We believe such provision responds and corresponds to the principle of equivalence, as defined in case i-21 Germany.

In our interpretation of the two principles mentioned, the principle of effectiveness is no need to be particularly provided by the law as long as the principle of equivalence is provided, because this last principle contains/results from the first one.

12. When the case under consideration concerns the revocation of a final administrative decision, is it necessary to interpret your national law in compliance with Community law?

Moreover,

- a) does such an interpretation have any influence on the scope of discretion of administrative bodies (the problem was discussed in the case i-21 Germany)?
- b) are there any examples of the interpretation of national law in compliance with EC law to be found in the practice of national courts?

For the reasons already mentioned in the introductory remarks, we cannot make reference at this stage to any examples from our jurisprudence regarding the interpretation of national law in compliance with EC law.

13. Do the provisions of national law prescribe any time limit for submitting a motion to revoke a final administrative decision or reopen the judicial proceedings when the contested decision or the judgment is contrary to Community law? Do you think that the fourth prerequisite for the revocation of final administrative decisions set in the Kühne case - that the person concerned files a complaint to a administrative body immediately after becoming aware of the judgment of the ECJ - should have general application? (this issue has been raised in the Kempter case.)

Referring to the time limits for submitting a motion to revoke a final administrative decision, we have to distinguish between acts enacted by the administrative bodies and decisions pronounced by the courts in final judgment.

In case of acts enacted by administrative bodies, we must distinguish between the motion submitted to the issuer and the motion submitted to the court and also between the individual acts and the normative acts.

In the preliminary procedure, the article 7 of the Law on Administrative Disputes provides that the party considering that one of its rights or legitimate interests was injured, by a unilateral administrative act, must request to the issuing public authority, within 30 days from the date when the act has been communicated, to cancel it in full or in part. The preliminary complaint in case of unilateral administrative acts may be also filed, for well-grounded reasons, after the time limit of 30 days, but no later than 6 months from the date when the act has been issued.

In case of the normative acts the preliminary procedure can be accomplished anytime, meaning that the law does not impose in such case a time limit.

The preliminary procedure is compulsory before submitting and registering the claim with the competent administrative court.

After accomplishing the preliminary procedure, the party is requested to register the claim with the court within 6 months from the date the preliminary complaint procedure was completed (*e.g.* the date of the response given by the administrative authority to the complaint of the concerned party).

For well-grounded reasons, in case of a unilateral administrative act, the petition may be also filed after the time limit provided in paragraph (1), but not later than one year from the date when the act has been issued.

In the case of the decision ruled by a court in final judgment, Law on Administrative Disputes provides that the motion for revising the decision grounded on its incompatibility with EC law must be introduced no later than 15 days from the date when the final and irrevocable court decision is communicated to the concerned parties.

Based on the above mentioned it appears that under the current provisions of Romanian Law on Administrative Disputes, the fourth prerequisite for the revocation of a final administrative decisions as set in the Kühne case, meaning that the person concerned files a complaint to an administrative body immediately after becoming aware of the judgment of the ECJ has application only to the extent such right is exercised within the time limits provided by the internal regulations and with observance of the preliminary procedure.

*14. What is the relationship (if any) under your national law and practice between the procedure for revocation of final administrative decisions and/or reopening of the court's proceedings analyzed above, on the one hand, and the proceedings concerning the state liability for damages in case of the infringement of Community law, on the other hand*

(cases: C-46/93 and C-48/93 Brasserie, [1996] ECR I-1029 and C-224/01 Köbler, [2003] ECR I-10239)?

Currently the Romanian Law on Administrative Disputes does not provide a special state liability for damages in case of infringement of Community law.

Article 1 paragraph 1 in the Law on Administrative Disputes provides that any person which considers that one of his/her rights or one of his/her legitimate interests is injured by an administrative act it may file a complaint with the competent court for the annulment of the act and also for the legal compensation of the caused damages, with observance of the procedure described in detail under section 13 herein.

The concerned person may address to the court for the legal compensation of the damages caused by the administrative act within the main judicial action regarding the annulment of the act, but also through a separate judicial action.

*Especially:*

*a) are there any formal links between the two types of proceedings?*

The law does not expressly stipulates any formal links between the procedure for revocation of the administrative act and the proceedings concerning the liability for damages due to the infringement of Community law, nor was up to date any jurisprudence developed on that matter.

*b) which national court is empowered to decide on state liability cases (above all, is it an administrative court)?*

*c) what are the main factors influencing the choice of the person concerned between the two abovementioned types of proceedings? (e.g.: time limit, costs, burden of proof)?*

*d) can the two types of proceedings be undertaken concurrently?*

Under the provisions mentioned above, in the Law on Administrative Disputes the court which is empowered to decide on the legality of the act is also empowered to decide upon the state liability for damages, too. The court empowered is a judicial court specialized in administrative disputes.

As mentioned there is no legal impediment for the two types of proceedings to be undertaken concurrently. Same time limits, legal procedures, costs and burden of proof shall apply. Based on our internal jurisprudence and in accordance with the applicable legal provisions, a person shall decide to file separate complaints in case at the time when the claim for the annulment of the administrative act was registered, the amount or the value of the damages was not known or determined.

The time limitation applicable to this damages claims, filed separately, is of 1 year since the concerned party determined or should have determined the amount of the damages ( article 19 in the Law on Administrative Disputes).

*Comment: For the purposes of this question it is not necessary to analyze problems of the State liability for breach of EC Law in detail. That issue is only called upon in order to identify possible links with the subject of the Colloquium.*

15. Please provide any other information concerning national law and its application (above all, the examples of relevant national administrative decisions or court's judgments) which could in your opinion be interesting for the discussed subject matter and it was not covered by the questionnaire.

In spite of the fact that, as mentioned herein, we were not able to make reference to national jurisprudence relevant for the perspective of the questions addressed herein, we would like to mention that at the level of the High Court of Cassation and Justice, especially over the past year a significant number of decisions that were pronounced made specific reference and took into consideration the EC law. Such references, usually made *ex officio* were inserted into the argumentations part of the decisions.

We shall list herein the main directives that were recently invoked in the High Court of Cassation and Justice jurisprudence:

Directive No.93/83/EEC of September 27, 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission;

Directive No.70/220/EEC related to measures to be taken against air pollution by emissions from motor vehicles;

Directive No.93/16/EEC to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications;

Directive No.1999/70/EEC of June 28, 1999 concerning the framework agreement on fixed term work concluded by ETUC, UNICE and CEEP;

Directive No.67/548/EEC on the approximation of laws, regulations and administrative provisions relating to the classifications, packaging and labeling of dangerous substances;

Directive No.2002/22/EC on the universal service and user's rights relating to electronic communications networks and services (Universal Service Directive);

Directive No.2006/123/EC of the European Parliament and of the Council, of December 12, 2006 on services in the internal market; and

Directive No.2001/77/EC on the promotion of the electricity produced from renewable energy source in the internal electricity market (legislation in force).

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