



Project no.
02/MAC/01/06/001

Техничка помош за изработка на трговски закони
Technical Assistance to draft Trade Laws
An EU-funded Project managed by the European Agency for Reconstruction



Consultant: Thalés E&C - Ghelber Law Firm

Progress Report March 2004

- The DTL Project involves intensive approximation and drafting **assistance** from twenty five EU experts (representing nine nationalities) and five key national experts with their larger network of local expertise. The experts assisted the MoE with their reports, participation in the drafting groups, training and interventions, establishing tables of correspondence, implementing the PNAL Procedures, institutional and capacity-building, options analysis and Regulatory Impact Assessments.
- In order to increase **stakeholders** understanding, information and participation in the process DTL activities includes: public debates, focus groups, dissemination of fact sheets; a training video for media presentations; About 1000 persons participated in DTL debates, workshops, round-tables, conferences and similar events. *This effort of increasing the participation of stakeholders in the law approximation process needs to be sustained. The Procedural Manual needs to be simplified and made more realistic after the DTL pilot experiences.*
- At the governmental level **better intra-and inter ministerial synergies** have been promoted by the DTL project. A special attention is given to practical implementation through comparative analysis, study missions (three completed in five countries Austria, Czech & Slovak Republics, Slovenia and France), draft ToRs for Training in liberalised trade and “Europeanisation” of administrative bodies.
- The **company law** (first reading completed, in second phase, second reading expected in April) and the **consumer protection** law (first reading completed, second reading expected in June 04) are now both in compliance with EU law and are on the agenda of the Parliament. In relation to the draft law on **trading activities** (enacted on Friday 12 march 2004) a distinctive feature of the DTL project is the attention given to implementation issues such as modernising the **market inspectorate** and working options and recommendations for the practical operation and organisational set up of market surveillance. *The effort of increasing synergies and integration between inspectorates needs continuous and specific support.*



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- Other drafts are in an advanced conception phase in particular on **Competition** (submitted to the Legislative Secretariat not yet in Parliament). The Project Expert on competition has been a key factor to enhance the institutional set up of the independent administrative body (suggested to be called *Competition Commission*). Issues remain in relation to sanctions (jurisdiction and amounts) and appeal connected to the parallel reform of the judiciary system. *The EAR intends to support this key reform.*
- The Project also assisted launching the implementation of newly adopted legislation on State aid and supports the development of the **State aid** commission. The new legislation was distributed on the occasion of a public meeting organised on 22 January 2004 starting the process of creating the first annual report on State aid.
- For sake of comprehensiveness and efficiency DTL support was enlarged to draft a most needed **International Commercial Arbitration Law** (with UNCITRAL model law and expert) and to contribute to the reform of the Chamber of Economy.
- The DTL Expert on **Personal Data protection** (to be submitted to the Parliament as soon as EU comments received) will come back end of March to help finalise the draft on the basis on his initial comments and those of the EC.
- A rational approach to the reform of the law on **public enterprises** is being followed. On the basis of comparative analysis and options the work is progressing with the involvement of national and EU Experts. Proper and consistent linkages are being established with other relevant laws (concessions, utilities, local self government). *The DTL project recommends further support of the EAR to the definition and operability of Services of General Economic Interest.*

Most stakeholders, above all the direct beneficiary, express positive comments on the DTL Project. At this stage the recommendations of the third quarterly report remain. But most of the objectives of the ToR and Inception report are already met. The project is coming to its end but the steering committee suggested a month prolongation (till 15 May 2004) due to the irrelevance of a public awareness campaign in the recent national circumstances.