The Impact of the European Directive on Services in the Internal Market on Public Administration

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The Directive 2006/123/EG of 12 December 2006 on Services in the Internal Market is a very ambitious and demanding project aimed at fostering trans-border services between the Member States and modernising administrative structures and procedures of the EU Member States. The article gives a summary of the problems arising from the Directive that concern public administration, focussing on the general administrative procedure law. Simplification of the procedures, the points of single contact, procedures by electronic means, and fictitious authorisation are analysed in the light of preparation of the Draft General Administrative Procedure Law of the Republic of Croatia.

Key words: services in the Internal Market, public administration, general administrative procedure law – Croatia, European Union

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1. Preface

Given the Treaty of Lisbon will be ratified by the Member States as scheduled in 2009 and the Parliament of Croatia will give its consent, the accession of the Republic of Croatia to the European Union might soon become a reality. The accession negotiations started in October 2005. One important issue is Croatia's adoption of the *acquis communautaire*, which means the complete stock of the primary and secondary legislation of the European Community.

Part of this stock is the Directive 2006/123/EG of 12 December 2006 on Services in the Internal Market.[1] All present Member States of the European Union are working on the adoption of this directive, which has to be put into their national legislation before 28 December 2009. Croatia, as a future Member State, must also be prepared to adopt the Services Directive as part of the *acquis communautaire*. This will have an impact on modernization of the Croatian administration.

In this article, a summary shall be given about the problems arising from the Services Directive for public administration, focussing on general administrative procedure law. Also shall be presented the solutions to these problems, as proposed in the Draft Law on General Administrative Procedures of the Republic of Croatia.[2]

2. The Ban of Discrimination in European Law, especially the Freedom of Movement of Services and the Freedom of Establishment

The Services Directive fits into the framework of the legislation of the European Community. The guiding principle of European material law is a general ban of discrimination, as constituted in Article 12 of the Treaty of the European Community:[3]

[1] Official Journal of the European Union of 27 December 2006, L 376/36, hereinafter referred to as »Services Directive«

[2] The draft was financed by the EU-CARDS 2003 Programme for Croatia, elaborated by a team of Croatian, Austrian and German experts and submitted in December 2007

[3] Consolidated Version, Official Journal of the European Union of 29 December 2006, C 321 E, hereinafter referred to as »TEC«

> *Within the scope of application of this Treaty, and without prejudice to any special provisions contained therein, any discrimination on grounds of nationality shall be prohibited.*

This rule is the cornerstone of the internal market of the European Community[4], which is based on the free exchange of goods, persons, services, and capital within all Member States of the EU, not hindered by national borders. Many further articles of the TEC clarify this rule and make it more applicable, especially the rules about the so-called Internal Market Freedoms (Article 23 et seq. TEC).

The title *Services Directive* is misleading, as it does not only concern the freedom of movement of services, dealt with in Articles 49 to 55 TEC, but also the freedom of establishment (Articles 43 to 48 TEC). This is clarified in Article 1 paragraph 1 of the Directive:

> *This Directive establishes general provisions facilitating the exercise of the freedom of establishment for service providers and the free movement of services ...*

Between these two Internal Market Freedoms there are close relations. Article 55 TEC stipulates that certain special regulations about the freedom of establishment also apply to the freedom of movement of services. Both freedoms cover the situation when a person (also a legal person) provides a service in another Member State. If this person intends to start a new business or to relocate an existing business or to establish a subsidiary or a branch, i.e. to establish itself in another Member State not only temporarily, the freedom of establishment applies. Establishment requires integration into the economy of the Member State involving the acquisition of customers in that Member State from the basis of a stable professional domicile.[5] However, to make the rules on the freedom of the movement of services applicable, either the provider of the service or the recipient of the service or the product of the service must temporarily cross the border to another Member State. So the word »temporarily« is decisive for the distinction between these two Internal Market Freedoms, which can also be deducted from the last sentence of Article 50 TEC, which defines »services« as follows:

> *Services shall be considered to be 'services' within the meaning of this Treaty where they are normally provided for remuneration, in so far as they are*

[4] Defined in Article 14 paragraph 2 TEC

[5] Case C-215/01 »Schnitzer«, judgement of 11 December 2003, paragraph 29

not governed by the provisions relating to freedom of movement for goods, capital and persons.

'Services' shall in particular include:

a) activities of an industrial character;

b) activities of a commercial character;

c) activities of craftsmen;

d) activities of the professions.

Without prejudice to the provisions of the Chapter relating to the right of establishment, the person providing a service may, in order to do so, temporarily pursue his activity in the State where the service is provided, under the same conditions as are imposed by that State on its own nationals.

The European Court of Justice has characterized the freedom of the movement of services as a »fundamental principle of the Treaty«.[6]

3. The Story behind the European Directive on Services in the Internal Market

Article 249 TEC describes two types of European *laws:*

- The *regulation* has general application. It is binding in its entirety and directly applicable in all Member States.
- The *directive* is binding, as to the result to be achieved, upon each Member State to which it is addressed. It sets a deadline, normally three years, up to which each Member State[7] must implement it into its national law.

Which type of law may be used in the particular case is regulated in the TEC. Article 47 limits legislation in the field of the freedom of establishment to directives. By the reference in Article 55 this applies also to the freedom of movement of services.

Gradually, it was proved that the realisation of the freedom of movement of services as well as the freedom of establishment was partly restricted by numerous legal or especially administrative barriers in the Member

[6] Case 279/80 »Webb«, judgement of 17 December 1981, paragraph 17

[7] Article 46 of the Services Directive states that it is addressed to all member States of the European Union

States, erected to protect their nationals against the competition of the intended internal market. The European Commission stated that »a decade after the envisaged completion of the internal market, there is still a huge gap between the vision of an integrated European Union economy and the reality as experienced by European citizens and providers.« Thus, particularly small and medium-sized enterprises (SMEs), which are predominant in the field of services, were prevented from extending their operations beyond their national borders and from taking a full advantage of the chances of the internal market.[8] The European Commission stated that »those barriers cannot be removed solely by relying on direct application of Articles 43 and 49 of the Treaty, since, on the one hand, addressing them on case-by-case basis through infringement procedures against the Member Stats concerned would, especially following enlargement, be extremely complicated for national and Community institutions, and on the other hand, the lifting of many barriers requires prior coordination of national legal schemes ...«.[9]

On a summit meeting in Lisbon in 2000, the heads of the EU Member States adopted the Agenda of Lisbon that aimed at transforming the Union within ten years into the most competitive and dynamic economic area of the world. Thus in January 2004, Commissioner Bolkestein, responsible for the internal market, proposed a far-reaching draft directive to overcome the obstacles for the internal market in the field of establishment and services. From the very beginning of the legislative procedure, the regulations of this draft were rather contended. The proposed principle, that the provider of a service working in another Member State – be it temporarily or for a longer period – should be subject only to the rules of his homeland regarding standards of wages, working hours, holidays, quality control, liability etc. (so-called »country of origin principle«), was particularly harshly criticized. Namely, the old Member States and their trade unions feared that this rule would endanger social standards as cheap labour from the new Member States might pour in. These disputes prolonged the legislative process of the Services Directive. In 2006, the European Parliament and the Council achieved an agreement. This considerably reduced the country of origin principle[10] and excluded e.g. health, traffic, security firms, electronic communication networks, tem-

[8] Cf. recital 2 and 3 of the Services Directive (cf. footnote 1)

[9] Cf. recital 6 of the Services Directive

[10] Cf. Article 16 of the Services Directive

porary employment companies, and financial services from the sphere of application.[11]

The Services Directive has become a voluminous European law. It comprises 45 articles on 33 pages of the Official Journal of the European Union, therefrom 15 pages for the preamble. The *Handbook on Implementation of the Services Directive*[12] issued by the European Commission and representing a kind of semi-official explanation of the Services Directive comprises 80 pages.

The European Council, the assembly of the heads of the Member States, concluded at its summit in March 2007 that »the recently adopted Services Directive is a key tool for unlocking the full potential of the European service sector. High priority should be placed on the complete, coherent and timely transposition of its provisions in a consistent manner«.[13]

4. The Services Directive and Public Administration

Although at first sight the Services Directive seems to concern only the providers of the internal market, namely small and medium-sized enterprises, it has an impact on public administration that cannot be overestimated. One of the main barriers to the development of service activities between Member States are the national public administrations and regulations. So the Services Directive forces the Member States of the European Union to make a lot of changes in this field to abolish discrimination on grounds of nationality but also indirect discrimination based on other grounds but capable of producing the same result.[14] Namely, administrative regulations and procedures that can rather easily be dealt with by native market participants may be impregnable obstacles for providers from another Member State, especially if they try to obtain the mandatory concessions, approvals, or only information from abroad.

Thus, the addressees of the Services Directive are not only the Member States, but also their regional or local bodies, as well as professional bodies or other professional associations or organisations within the meaning of Article 4 paragraph 7, which in the exercise of their legal autonomy

[11] Cf. Article 2 of the Services Directive

[12] http://ec.europa.eu/internal_market/services/services-dir/index_en.htm

[13] Quoted from the introduction of the handbook, page 5/6

[14] Cf. recital 65 and 94 of the Services Directive

regulate in a collective manner access to a service activity or the exercise thereof.[15]

To implement the Services Directive, not only legislative but also non-legislative, i.e. organisational or practical, measures must be taken.

As regards content, the regulations in Chapter II of the Services Directive (Articles 5 to 8) *»apply to all procedures and formalities necessary for access to and exercise of a service activity, for all services covered by the scope of application of the Directive ...«*,[16] regarding the freedom of establishment as well as the freedom of the movement of services. Chapter III *Freedom of Establishment for Providers* (Articles 9 to 15) contains special provisions on establishment, whereas Chapter IV (Articles 16 to 21) deals with *Free movement of services*.

Four important demands of the Services Directive concerning general administrative procedure law will be described hereafter, together with the corresponding solutions found in the Draft Law on General Administrative Procedures of the Republic of Croatia.

The European Commission holds that the regulations of Chapters II and III »do not draw any distinction between domestic and foreign providers« and »apply in the same way to service providers established in another Member State, and to service providers established (or wishing to establish) in the territory of their own Member State«.[17] Thus the activities of a provider conducted in his domicile Member State shall benefit from the regulations of the Directive in the same way as cross-border activities. Following this semi-official interpretation from the Commission, one must wonder whether the European legislator has acted here beyond his responsibilities, as the explicit legal basis of the Directive is formed by Articles 43 and 49 of the TEC that shall prevent discrimination of providers coming from another Member State! Admittedly providers acting only in their domicile Member State would be discriminated if the improvements created by the Directive were only applicable for their foreign competitors. But it is a fundamental rule of European law and settled case-law of the European Court of Justice that the discrimination of natives must not be dealt with by European law but is a problem of national law of the

[15] Cf. the definition of »competent authority« in Article 4 paragraph 9

[16] Handbook Chapter 5, 2nd paragraph

[17] Handbook Chapter 5, 2nd paragraph, cf. Chapter 6, 2nd paragraph

Member States.[18] This is not the place to examine the legality of the Services Directive. In any case, the result of this view of the European Commission must be approved of, as making distinctions between domestic and foreign providers could lead to different rules and procedures for natives and citizens from other Member States and so create unpleasant administrative structures and cause unnecessary discrimination.

a) Simplification of Procedures

Article 5 of the Services Directive requests the Member States to *»examine the procedures and formalities applicable to access to a service activity and to the exercise thereof. Where procedures and formalities ... are not sufficiently simple, member States shall simplify them«*. The complexity, length, and legal uncertainty of administrative procedures are in the particular focus of the European Union.

Other predominant issues in this context are the acknowledgement of certificates and documents from another Member State proving that a requirement has been satisfied, and the necessity to present original documents or certified copies.[19]

The existing Croatian Law on General Administrative Proceedings[20] (ZUP) was drafted more than 50 years ago and since amended several times. The ZUP was created in the tradition of legal positivism, i.e. pursuing the idea of strict adherence of enacted law. The positivistic doctrine, supported in particular in the beginning of the 20th century, leads to the tendency of creating laws that try to regulate in a casuistic way every concrete detail of a factual situation. This tendency makes the legislators create very long laws, by trying to (over)regulate every single procedural aspect. So the ZUP comprises 299 articles.

To modernize Croatian administrative procedures and integrate new European standards, the ever-growing body of European Administrative Law, good European practice, and new standards of better regulation, the Draft Law on General Administrative Procedures of the Republic of Croatia (GAP) with only about 140 articles was elaborated within the EU-CARDS 2003 Programme for Croatia and submitted in December

[18] Cf. European Court of Justice, Case 20/87 »Gauchard«, 1987, 4879 for Article 43 and Case 52/80, »Debauve«, 1980, 833 paragraph 9 for Article 49

[19] Cf. Article 5 paragraph 3

[20] Official Gazette of the Republic of Croatia No. 53/91

2007. One of its outstanding issues is the simplification of procedures. This is already emphasized in Article 1:

> *This Law shall ensure the effective realisation of public tasks in the service of the citizen and the protection of civil rights. All public authorities are acting in regard to efficiency of public administration, proportionality and transparency of administrative procedures, independence of ruling, and delivery of professional administrative actions.*

and Article 2 paragraph 2:

> *The administrative procedure shall not be tied to specific forms unless legal provisions exist which specifically govern procedural form. It shall be carried out in an uncomplicated, appropriate, and timely fashion.*

Regarding the presentation of evidence and documents, Articles 45 to 48 GAP introduce simpler rules and faster procedures, alleviating provider's burden in comparison with the complicated rules of the ZUP.

b) Points of Single Contact

Articles 6 and 7 of the Services Directive oblige the Member States to ensure that service providers can complete all procedures and formalities needed for access to and exercise of their service activities and gain all necessary information to prepare this through the »points of single contact«. These are single institutional interlocutors from the perspective of the service provider. Thus the provider does not need to contact several authorities or bodies to collect all necessary steps relating to his service activities. The points of single contact serve as »front office«. Normally, they themselves will not be able to decide finally as a competent authority, but will serve as coordinators. Then they are in direct contact with both the service provider and the relevant competent authorities (»back offices«). This coordination includes receiving and forwarding all correspondence pertaining to these administrative procedures (e.g. applications, documents, enquiries, declarations and notifications) in both directions. In addition, the points of single contact must be able to keep service providers up to date on the current status of processing within the »back offices«.

An example given by Windoffer[21] concerning a real estate broker form Strasbourg, France, who wants to open a branch office on the other bank

[21] Windoffer, Einheitliche Ansprechpartner nach der EU-Dienstleistungsrichtlinie, Deutsches Verwaltungsblatt 2006, p. 1211

of the Rhine in Kehl (Germany), may illustrate the current situation and the need for the points of single contact. Minimum requirements he must meet are:

- the registration at the municipal registry office which will be forwarded to the municipal immigration office
- a certificate of good conduct and an extract from the central commercial register
- an extract of the debtor's register and a certificate about the non-existence of insolvency proceedings from the local court
- a registration at the tax and revenue office to receive a tax payer's account number and a tax clearance certificate
- a business licence from the district office
- a registration of his business at the municipal public order office
- a notarial attestation of his application to the commercial registry
- (perhaps) a possible building licence or the necessary notifications at the employment centre and the health insurance if he wants to employ someone ...

This example proves that the points of single contact must provide a comprehensive coverage of all relevant administrative procedures, including the recognition of qualifications as well as to health legislation. They must be capable of engaging in genuine conversation and dialogue, as the questions of foreign service providers require individualised answers. These demands cannot be covered purely by electronic means like central internet portals. They require an elaborate preparation regarding the organisation of public authorities and teaching of its civil servants. It will be interesting to see whether the Member States will have fulfilled these demands by 28 December 2009.

Each Member State is free to decide how to organize the points of single contact, according to regional or local competencies or to the activities concerned. Not only public authorities but also chambers of commerce or crafts, or even professional organisations or private bodies to which a Member State decides to entrust this function may be set up as points of single contact.[22] Article 6 paragraph 2 makes clear that »*the establishment of points of single contact shall be without prejudice to the allocation of functions and powers among the authorities within national systems*«.

[22] Cf. recital 48 of the Services Directive

Even after the installation of points of single contact, the service providers will not be obliged to resort to them. They are free not to use this offer and to contact any competent authority directly and submit or receive documents, authorisations, and the like directly.

Controversial views exist regarding deadlines (e.g. for the submission of an application or a document). The Commission[23] holds that the moment of reception by the point of single contact should be relevant for calculating time periods. Especially German authors[24] take up the position that even when a service provider makes use of a single point of contact, only the reception by the competent authority keeps the deadline. This view does not correspond to the objectives of the creation of the points of single contact to facilitate procedures for a service provider, as he has no influence onto the further procedure when he has submitted the application at the point of single contact.

Regarding the situation in Croatia, Article 22 GAP »Point of single contact and coordination (one stop shop)« corresponds to the demands of the Services Directive:

> *(1) In order to strengthen the effectiveness and efficiency of administrative action, public authorities shall ensure the conditions for setting up single points of contacts, through which citizens can collect all information, receive advice and complete all procedures and formalities as required for administrative action. Details shall be regulated by organizational law.*
>
> *(2) Where several public authorities are involved in an administrative procedure, one of them may be designated to be the point of single contact and coordination. These public authorities shall agree which of them shall act as a point of single contact. ...*
>
> *(3) The creation of points of single contacts and coordination does not affect the jurisdiction of the public authorities involved.*

c) Procedures by Electronic Means

The leading intention of the Services Directive, to foster the right to provide trans-border services within the European Community, makes es-

[23] Cf. Handbook, Chapter 5.2.2 p. 25

[24] Ziekow, Die Auswirkungen der Dienstleistungsrichtlinie, Gewerbearchiv 2007, p. 179, II 1 b) cc); Knopp, Die Einheitlichen Ansprechpartner, Zeitschrift für Landes- und Kommunalrecht für Hessen / Rheinland-Pfalz / Saarland, 2007, p. 254

sential a broader use of electronic communication with and within public administration. The Services Directive declares that *»electronic means of completing procedures and formalities will be vital for administrative simplification in the field of service activities, for the benefit of providers, recipients and competent authorities«.*[25] So it is coherent that Article 8 of the Directive challenges the Member States to ensure *»that all procedures and formalities relating to access to a service activity and to the exercise thereof may be easily completed, at a distance and by electronic means«*. This shall apply to direct contact with the competent authority as well as with the single point of contact. To open this form of communication is of special importance for a provider from far abroad for whom an appearance in person would be complicated and costly and written communication by letters too time-consuming. So the national laws of the Member States must secure that service providers have the choice to contact the public authorities to incite and complete procedures and formalities by electronic means across borders with the consequence that these means must be available for the whole administrative process. National laws must not exclude electronic communication. This ambitious goal is to be achieved by the end of 2009. To secure cross-border interoperability and common standards among the Member States, Article 8 paragraph 3 empowers the European Commission to adopt detailed implementation rules.

These rules of the Services Directive have already been considered when drafting the Croatian GAP. Its Article 38 »Electronic communication« generally opens the door for electronic communication between citizen and public administration:

> *(1) The public authority and the party may communicate with each other in electronic form if the party gives consent, unless otherwise stipulated by special law.*
>
> *(2) Unless specified otherwise, the written form required by law is fulfilled by an electronic document that is electronically signed.*
>
> *(3) When the law requires an electronic document to be electronically signed, the document has to be provided with a qualified electronic signature according to the Law regulating Electronic Signature.*
>
> *(4) An electronic document is submitted to the public authority at the moment it has been recorded by the device dedicated to receive such messages. The public authority shall issue a notification of receipt to the sender without delay.*

[25] Cf. recital 52 of the Service Directive

(5) If an electronic document cannot be read by the recipient, he has to inform the sender without delay and the document has to be resent in a suitable form.

Besides, Article 124 GAP allows the notification of electronic documents.

d) Fictitious Authorisation

The provisions of Chapter III of the Service Directive (Articles 9-15) apply only for providers in case of establishment. They call on the Member States to adjust their authorisation schemes to the demands of the European Community (Articles 9, 10), confine the use of timely limited authorisations (Article 11), and establish rules for the selection among competing candidates (Article 12).

A mayor concern of the Services Directive is to abolish lengthy and non-transparent authorisation procedures which may leave room for arbitrary and discriminatory decisions. As a remedy, Article 13 paragraphs 1 and 2 impose rules to ensure that administrative procedures on establishment are objective and impartial, not dissuasive, and do not unduly complicate or delay the provision of the service. If charges are imposed, they must be reasonable and proportionate to the cost of the authorisation procedure in question.

Article 13 paragraphs 3 and 4 give special attention to the rapidity of the authorisation process. Paragraph 3 demands that applications must be processed as quickly as possible and within a period fixed and made public in advance that runs only from the time when all documentation has been submitted. This time period may be extended once when justified by the complexity of the issue. The Handbook admits that »Which period of time can be considered reasonable for a given type of authorisation procedure will depend on the complexity of the procedure and the issues involved, and it is clear that Member States might set different periods of time for different types of authorisation schemes«.[26]

Article 13 paragraph 4 statutes a kind of sanction for the public authority that does not decide upon the authorisation within the process time fixed according to paragraph 3 and therewith introduces a feature that is already common in some Member States, mostly for restricted applica-

[26] Cf. Handbook Chapters 6 and 8, paragraph 3

tions: the fictitious (or tacit) authorisation. This means that in this case the authorisation applied for is deemed to have been granted! This rule creates a remarkable impact on administrative law and procedures. It necessitates not only the alterations of various national laws of the Member States (which must be communicated to the European Commission, Art. 44 of the Service Directive) but also new structures of administrative procedures to meet these demands on quality and speed.

It should be clarified that the Services Directive stipulates the factitious authorisation only for cases of establishment, but not for the free movement of services. The reason is that in Chapter IV Section 1 *Freedom to provide services* Article 16 paragraph 2 item b) interdicts to restrict this freedom by obligations of the provider to obtain an authorisation. This does not prevent national legislators to introduce the fictitious authorisation in other fields, e.g. for building permits.

These were the reflections when working on the Draft GAP. The goal was to provide a well balanced system of various tools within the general administrative procedure, safeguarding on the one hand public administration's interest in having sufficient time to investigate facts, comprehensively examine the legal situation, and take the appropriate decision, and on the other, citizens' interest and right to receive a response on their requests within a reasonable time. Moreover, an interpretation of this regulation has to take into consideration the public interest in legal certainty, and last but not least, the interest of a third party involved in or affected by the procedure. This leads us to the adoption of the concept of Article 13 of the Services Directive in Article 66 GAP »Fictitious Administrative Act after Expiry of Deadline«:

> *(1) Where a party requests a written administrative act, the public authority shall announce in writing a deadline within which the administrative act will be notified, if the administrative procedure cannot be completed within fifteen days. The announced deadline shall be as limited as possible, but not longer than one month. It shall start from the time when the party has provided all necessary documents and fulfilled its obligations stipulated under Article 43.*
>
> *(2) When justified by the complexity of the issue, the competent authority may extend the deadline once for a limited time proportionally to the complexity of the issue. The extension and its duration shall be duly motivated and the party shall be notified before the original deadline has expired.*
>
> *(3) Failing a response within the deadline set or extended in accordance with paragraph 2, the administrative act shall be deemed to have been*

issued. This fiction does not apply if differently regulated by special law, justified by overriding reasons relating to the public interest, including a legitimate interest of third parties.

5. Résumé

The Services Directive is a very ambitious and demanding project to foster trans-border services between the Member States and in this context to modernise administrative structures and procedures of the Member States of the European Union. When the deadline for implementation expires, by the end of 2009, we will have seen whether this impact has been successful.

Nevertheless, if the Draft GAP should be enacted and its regulations implemented into administrative practice, the Republic of Croatia will be well positioned in this field for accession to the European Union.

THE IMPACT OF THE EUROPEAN DIRECTIVE ON SERVICES IN THE INTERNAL MARKET ON PUBLIC ADMINISTRATION

Summary

The Directive 2006/123/EG of 12 December 2006 on Services in the Internal Market is a very ambitious and demanding project aimed at fostering trans-border services between the Member States and modernising administrative structures and procedures of the EU Member States. The article gives a summary of the problems arising from the Directive that concern public administration, focussing on the general administrative procedure law. Simplification of the procedures, the points of single contact, procedures by electronic means, and fictitious authorisation are analysed in the light of preparation of the Draft General Administrative Procedure Law of the Republic of Croatia.

Key words: *Services in the Internal Market, public administration, general administrative procedure law – Croatia, European Union*

UTJECAJ DIREKTIVE O SLUŽBAMA NA UNUTARNJEM TRŽIŠTU EUROPSKE UNIJE NA JAVNU UPRAVU

Sažetak

Direktiva 2006/123/EG iz prosinca 2006. o službama na unutarnjem tržištu Europske unije vrlo je ambiciozan i zahtjevan projekt poticanja prekograničnih službi te modernizacije upravnih struktura i postupaka u državama članicama. U radu se na sumaran način analiziraju problemi koji se u javnoj upravi javljaju na temelju te direktive. Rad je posebno usredotočen na pravo općeg upravnog postupka. U svjetlu pripreme nacrta Zakona o općem upravnom postupku analiziraju se pojednostavnjenje postupaka, točke jedinstvenog kontakta, postupanje uz upotrebu elektroničkih sredstava i fiktivni upravni akt.

Ključne riječi: *službe na unutarnjem tržištu, javna uprava, pravo općeg upravnog postupka – Hrvatska, Europska unija*