VALUES OF THE EUROPEAN FINANCIAL SPACE

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Abstract
This paper aims to analyze the perspective of the European financial space which should allow the professional intermediaries – the credit establishments, the insurance companies or investment services, to propose their services to the entire community of customers. Actually, here are considered the traditional banking services, such as those that provide insurance, especially those relating to life insurance.
The access to regulated markets, it takes place in the perspective of this financial space, especially after coming into circulation of Euro coin. It should be insight, that the access to these markets, often requires the using of intermediaries. We can not speak about the existence of the financial space, without the freedom of action of these professional intermediaries. Concerning the freedom of these services, we can say that they depend on the movement of capital, and the movement capital is engaged since the directive of May 11, 1966, and subsequently is required after the June 24, 1988 and was confirmed by the Maastricht Treaty. Thus, we can discuss about the liberty of movement of capital, through angle the coordination of national legislation in matters of banks, the insurance and the investment services through a significant number of directives adopted. Nowadays, the European financial space is overtake, the EU borders and the internationalization of operations is require the extensive possible legal framework of application, also all the directives issued in matters of banks and insurance are covered by Annex VIII of the Agreement on the European Financial Space. The agreement also provides the interdictions of restrictions or discrimination concerning the movements of capital.
As a consequence, the study is approach both to aspects concerning the European financial space and the interdictictions of restrictions or discrimination concerning the movements of capital.

Keywords: *Financial Space, European Union, rights, investments, capital*

Introduction

The unprecedented development of international trade, growing mobility of capital and people, remarkable progress of science and technology and adaptation, by almost all villages of the world, the market economy system, generated starting and accelerating regional and global integration. A feature of modern market economy is the continued opening of outward and in those circumstances, national economies and, consequently, public and private finance in each state can not occur in a closed, is increasingly dependent on context International.

The fund finances the study of the internationalization of markets has expanded continuously, international finance, representing today a complex and highly topical. They include taxation as an essential component, which is based on two key levers: one such policy - fiscal policy (as a set of decisions that define and determine the sampling requirements) and other, legal - tax law (as a whole the legal rules of the tax).

Fiscal policy is so important for all countries, but it becomes essential when it comes to a group of countries (like the European Union) which aim to acționaze and develop together. This is

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because under such circumstances, action in a country usually have effects that propagate in other states, which requires that each country's tax system is as simple and as neutral as possible.

The major objective of the work and proposed was to show that there was need to remove barriers to the free movement of goods and services, capital and presoanelor to ensure proper functioning of the single market.

EUROPEAN FINANCIAL SPACE

Noting the existence of numerous and profound heterogeneity in some areas of public actions taken in tax measures were based on subsudiarității principle, under which taxation is an area of Community competence in tax matters and allocation policies will override national decisions. However, European Uniiunea could not ignore the tax for the simple reason that the tax measures taken by Member States may hamper the mobility of goods, capital and people and create economic distortions incompatible with the establishment of a unified economic space.A common market can be defined as a unique geographical area, substitute the diversity of national markets that have merged and is governed by the same rules of market economy (Tinca 2003).

It involves the disappearance of all barriers to free movement of goods within this unique geographical area and unique application of competition rules. Suppression of customs barriers and tariffs and the implementation of a national common customs tariff in relations between Member States and third countries differ fundamentally specific customs union common market free trade zones. In these latter products circulate freely, but each state retains its own customs regime, which we apply to sovereign import or export products. Eliminating all taxes and contigentarilor with protectionist measures and eliminating all discrimination by public or private nature, based on nationality are characteristic of the Common Market.

All this and attracted to establish the four freedoms within the common market: free movement of persons, services, capital and goods, freedom to ensure real and effective economic integration (Augustin 2006, p.160).

We conclude by stating that the common market is the essential component of international economic integration and also the primary means of achieving the common goals of countries that compose. The economic benefits that justify the existence of a common market are: fostering productivity growth and the general level of life, being more intense competition, consumers benefit from lower prices, as well as a greater variety of goods, superior quality, allows a production large numbers, leading to lower production costs, may help to optimize capital investments, allowing more rational and efficient use of manpower.

Therefore, both the EEC and other economic organizations integrationist, on other continents have placed in the center of the single market concerns and their actions that they consider the main unifying element for progress. European financial space beyond, today's EU borders and the internationalization of operations require the broadest possible legal framework of the scope, as well as all directives issued to banks and insurance matters are covered by Annex VIII of the Agreement on the European Economic Area. The agreement also provides for restrictions or discrimination in terms of capital movements.

Also it should allow profesioanisti intermediaries, respectively, credit establishments, societatatile insurance or investment services, to propose their services to the entire community of customers. Are taken into account traditional banking services, such as those that provide insurance, especially those relating to life insurance (Catherine 2000).

Access to regulated markets takes place in perspective the financial space, especially after the entry into circulation of euro. It should be borne in mind that access to these markets requires the use of intermediaries often.

We can not speak of the existence of the financial space without the freedom of action of these professional intermediaries. Regarding the freedom of these services we can say that they depend on the movement of capital and capital movement is engaged since the directive of 11 May 1966, and subsequently is required after the 24 June 1988 and confirmed by the Treaty of Maastricht. We can talk this through the coordination of capital movement libertatatea national legislation for banks, insurance and investment services through a significant number of directives adopted. Freedom of movement shall entail the abolition of capital controls on capital transactions. It should go up to ensure fair competition between countries with low tax and high tax ones. Liberalization of capital movements, while the rest was done faster than freedoms stipulated by the EEC Treaty, it is still partial, primarily due to different modes of taxation adopted by Member States. Treaty of Rome was inspired by the Bretton Woods agreements and made the difference between current payments and capital movements. Since the movement of capital may affect the traditional sovereignty of the state and can upset the economy, it has not been liberalized only gradually (Anghel 1993).

The acceptance date of a decision of the Court of Justice, current payments are transfers of foreign currency which is under consideration Underlying transaction. Must fit as distinguish between the circulation of capital, which represents the financial operations whose main purpose is to invest or make investments and current payments. Thus, the payment of insurance premiums in the event of liability or damages are paid current, while life insurance premiums paid is a capital change. Upon expiration of the transition period, current payments were liberalized, but states can check to see if the transfer is not a disguised capital transfer operation.

Transfers that have a connection with an investment capital are displacements, their diversity is uncertain, examples being the purchase-sale or subscription of securities, long-term investments or capital transfers in the execution of insurance contracts. Freedom of establishment includes the right of the investor community to have shares in a company established in a Member State. Similarly, freedom of performance involves liberalization in sensitive sectors in the short term movements and transfers, in order to undertake investments.

This Directive seeks to free movement of capital. This involves the removal of all permits for transfer between states. It is produced in this way, the unification of exchange markets.

Member States are free under specific laws, to take measures to regulate bank liquidity, even if they may affect the transfer of capital. Also, actions are allowed and administrative control, especially to deter tax fraud and to comply with the prudential banking. Moreover, the legislation contains a specific safeguard clause. When disturbances affect one or more Member States (there are high value transfers affecting domestic markets and the evolution of money) are permitted to limit measures the transfer of capital. Erga omnes liberalization of capital transfers was made by the Maastricht Treaty.

The principle does not only liberalization between EU Member States but also in relations with third countries. Capital transfers are free, provided not to mask money laundering operations or produce tax fraud. Union may, if public interest so requires, restrictions on capital movements. Over time, creating the single market has produced remarkable economic and social effects, for shaping the single market that has a vocation of becoming more pan-European Commission proposes that priority actions: preparing for the enlargement of the EU single market to new countries States, completing the legislative framework and improving his tighter tracking of how the application of Community law in Member States, strengthening the PU as the Economic and Monetary Union; improving the social dimensions of PU and adapt it to changes in technology (Favret 2000) (Information Society, Networks trans).

This paper aims to analyze the regulation of free movement of capital between Member States. Are envisaged abolition of transfer of all permits, even those who intervened automatically drive leading to the exchange markets: capital movements should be possible under the same conditions as the current payments. Also the work is meant to show spatiulului European financial perspective should allow professional intermediaries - credit establishments, insurance companies or investment services, to propose their services to the entire community of customers. Considered here are traditional banking services, such as those that provide insurance, especially those relating to life insurance.

The international insurance market is characterized by a high degree of heterogeneity due to the diversity of events and activities causing damage that may affect them. As a consequence, practically no one can delineate the insurance and reinsurance market, each being characterized by the preponderance of certain types of insurance, the existence of certain companies insurance and reinsurance, specific rules and regulations, covering larger or more extensive exclusions.

The European level can be characterized by the fact that the world has seen an evolution of security as a whole, with certain common characteristics, but with considerable differences from one country to another (Muraru 2001).

To mention first is that Europe is the appearance of modern security remains a critical global market, with particularly rapid growth in the branches of life insurance and savings, but it occupies second place after the United States. We appreciate the fact that, currently, we are witnessing a maturation process of the single European insurance market, with accomplishments, but also its difficulties, still unsurpassed. Developing a single European insurance market has been a gradual process that lasted several years. European Union Directives on insurance is generally accepted principles in the European Community in order to standardize the rules for insurance and to facilitate international trade, referring primarily to the insurance business, but also the insurance. Today, there really is not a homogeneous pan-European insurance market, although France, Germany and England continue to hold this sector both in terms of number of insurance companies, as well as the income derived from insurance premiums. You can not talk about reconciliation of the legislative framework at EU level, as member countries, as well as those who join their national character keeps some laws that depend on cultural and financial markets of the country. The pan with the basic principles of the Treaty of Rome them, namely free circulation of people, goods, and services of the capital between Member States.

To constitute a single insurance market in the European Union, several directives have been promulgated within 35 years, cumulating with the introduction of the single European passport in the insurance sector. Application of these measures was extended by agreement with the countries forming the European Economic Area, and on Iceland, Liechtenstein and Norway, because the rules stipulated in the agreement include all directives that are based on the European insurance market (Schappira j,Le Tellec, Balisa j 1994).

Since Switzerland has withdrawn from the European Economic Area agreement, she signed an agreement with the European Union on 1 ianuarie1994 A in terms of property insurance. This agreement guarantees them non-life insurance companies in the EU and Switzerland, each entitled to one another and create a branch or agency to the other under conditions identical to those which, before July 1, 1994, were applied between EU member countries according to the first European directive on non-life insurance. If we refer to the smaller territories of Europe, Gibraltar is part of the European Union under the Treaty of Rome, so the insurance directives will apply in its territory. Isle of Man, Jersey Guersney and not part of a single European insurance market. Directives do not apply to insurance and insurance companies wishing to operate in this area will require obtaining a permit from the appropriate local institutions.

Construction of single insurance market has been achieved in three stages from the early 1970s. The first set of directives was to the right of establishment in non-life insurance (1973) and life (1979). The second generation of directives has considered issuing of conditions for free supply of non-life insurance services (1988) and in the life (1990). The last set of directives to refer, in essence, to establish a single licensing system, pine insurance companies admitted by a Member State, is authorized to operate both the establishment (agencies and branches) and through the free provision of services (activities occasional or temporary) in the entire space community. They were both apoB in 1992 for insurance and came into force in 1994. This has created a framework for action insurance European directives regarding insurance constituted a unique example of integration. Nowhere in the world, even in a federal state like the United States, formulated no freedom of establishment and provision of services or a single license system, comparable to those achieved at the European scale. CEA (European Insurance Committee) is one of the prestigious institutions with interests in insurance.

It was established in 1953 and currently has 29 members, based in Paris. The purpose of founding this institution is to be Europe's insurers, and to promote their interests by providing qualified opinions of European or international organizations, public or private insurance or reinsurance, to facilitate exchange of information and experience between markets, developing studies in the interests of European insurance companies or to respond to their needs (Cosmin Costas Flavius, Minea Mircea 2009).

CEA periodically publishes various studies and statistics aimed at informing the issue in the context of the European single market, in parallel with the phenomenon of globalization increasingly stronger and more visible in recent years.

This notice some changes in several directions: between insurers, reinsurers and insured: large multinational companies tend to raise the threshold and to transfer risks autoasigurarii and some of them directly or reinsurers; choice is increasingly on the principle overall financial management between state and private sector, given its reduced share in the insurance field, opens up new opportunities for private sector insurers and bankers from the so-called "bancassurance", which gets more than an extension, so that before long we see that, without using the bank as a distribution channel for insurance products, neither of the two types of institutions will not survive.

Of course, of paramount importance in the present and certainly in the next decade, globalization of financial services will continue to mark the entire evolution of the insurance and reinsurance.

In Europe, the single insurance market covering 27 countries forming the European Economic Area (European Economic Area). With economic growth, insurance continued to grow in 1997, differences between life insurance, which increased by 14.1% and non-life that it grows slower by 8.8% over 1996. EU insurance market recorded a growth of 8.8% in 1997 compared to 1996, total insurance premiums accounting for more than ECU 543.7 billion GDP growth (2.7% in 1997 compared to 1996). In 1998, the CEA said that the three largest insurance markets in Europe (France, Germany, United Kingdom) accounted for 67.1% of total life insurance and 64.9 of the total non-life insurance. Seven other markets are in total 87% of each second type of insurance (Italy, Netherlands, Switzerland, Spain, France, Germany, United Kingdom). Even if there was more of an increase in life insurance, there was interest and other types of insurance, taking into account the damage of disasters (industrial risks, liability and damage to property, credit). Insurance is a key sector of the European economy, whose influence is felt both in the protection against economic and social risks in the member countries, the idea of stimulating role of medium and long term savings, as well as providing funds for financial markets. Moreover, another role is fulfilled by ensuring the development of asset management techniques and risk management. An important distinction must be made between life insurance and life insurance is not. Insurance is not traditional sectors of life insurance cover for damage and ensure accountability. These forms of deposit insurance does not affect the public, they are not a form of investment or plasamanet. Moreover, the community market in these branches of insurance is relatively saturated, not the same thing can be said about life insurance. In other news, presumes need insurance and reinsurance business, which can occur only in a professional manner. Reinsurance market is growing throughout Europe and even worldwide. We need to specify the bank and insurance are two distinct materials in the production. Also, even if common principles translate directives, let arminizare term substitute difference between credit establishments and insurance companies also prudential rules are clearly differentiated.

Thus, credit institutions may, in principle, operators provide insurance services, while insurance companies can not do this than banks. A decompartimentare is thus established between the two types of activities: "bancasusurance" is not, possible within the same company. Distribution operators bank or insurance is separate from the main exercise of these activities. You can talk here, according to national laws about mixing a so yis the distribution.

Very schematically, the directives issued, whether in banking or insurance sector, is based on the sole control of the state authorities of the establishment of a bank or an insurance company. This is the principle of Home Country Control, as opposed to that of Country Risk Control. Place a headquarters location has become so very important, because this is the place to be centralized administrative controls. Even if there is harmonization in particular the prudential rules, it is not total.

Conclusions

In conclusion, we can say that within the European Union (EU) has intensified the debate on budgetary constraints due to the policies of globalization, as it is expected a further increase in real and financial capital mobility.

In these circumstances, we consider the liberalization as a threat to domestic policy goals, especially on social security. In response to these developments, some advocates for international coordination in the field of taxes, including weighing the possibility of creating the prospect of a World Tax Organization, while others pronounce to impose restrictions on international capital mobility. On the other hand, the findings of recent empirical studies (based on experience in OECD countries since 1970) show that while globalization shrinks the space for maneuver for national budgetary policy, but is still plenty of room for individual national policies.

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