

eurotorum

europa day by day

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In the not too distant future door to door selling will
be simply a chapter in the history books

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++ THE NEW EUROPEAN COMMISSION

"Our constant aim must be to preserve the lot of the ordinary citizen throughout the Community to make him or her feel that Europe is becoming a better place in which to live" (Roy Harris Jenkins, President of the European Commission).

Euroforum presents the division of tasks among the Members of the new Commission. The programme ahead of them is simple but ambitious. See ANNEX 1.

++ DOOR TO DOOR SELLING : NEW DIRECTIVE SPELLS THE END

Trap the consumer when he least expects it : this is the golden rule of 'door to door' salesmen. To make sure that the European consumer can no longer be taken by surprise, the European Commission has just proposed some simple, but strict measures.

The Commission proposals to rescue the victims of 'door to door' salesmen are laid out in ANNEX 2.

++ THE SITING OF POWER STATIONS : A COMMUNITY PROBLEM

One hundred and eighty nuclear power stations on Community territory between now and the year 2000 : food for thought.

Euroforum presents in ANNEX 3 the European Commission's proposals for the siting of nuclear power stations.

++ EQUALITY BETWEEN MEN AND WOMEN : NOT FORGETTING SOCIAL SECURITY

A draft directive embodying the principle of equality of treatment between men and women : regarding social security has just been sent to the Council of Ministers by the European Commission. A Community directive already exists - adopted in February 1976 - applying the principle of equality concerning access to employment, promotion, and vocational training, as well equality in working conditions. (cf Euroforum No 1/76). However following a study conducted by the Commission, it has become very apparent that there are still numerous differences in treatment between men and women in social security matters and also in mandatory schemes (i.e. imposed by law) and occupational arrangements. In a large number of cases these differences discriminate against and work to the disadvantage of women.

The draft directive prepared by the Commission applies - as in the directive already adopted - to the present and former working population including the self-employed and those looking for work ; but it does not include those who are misleadingly entitled "non-employed" such as housewives. The notion of "social security" covers all systems of protection against risks such as unemployment, illness, medical care, old age, infirmity, accidents at work and occupational illnesses.

The directive prepared by the Commission covers all social security schemes established by law, occupational schemes and social assistance arrangements so far as they relate to these contingencies. In these areas all discrimination based on sex will no longer be allowed and conditions for receiving benefits, the rates, the duration, etc. must be the same for men and women.

Of course, it will not be possible to eliminate all types of discrimination between the sexes, but under the impact of this new directive a new and irreversable stage in implementing the principle of equal treatment for women in matters of social security will have been begun.

++ RETAILING AND FREE COMPETITION IN THE EUROPEAN COMMUNITY

The European Commission is still keeping a close watch on free competition within the Common Market and has recently taken five decisions to guarantee that retailers of certain products observe competition rules in Community markets.

Watts, a British firm who make record cleaning appliances, and their exclusive dealer in the Netherlands, Theal B.V. (now Tepea B.V.), have had to put an end to agreements under which the Dutch market was closed to British retailers and wholesalers of Watts products. On top of this the Commission has imposed a fine of 5,000 units of account (1 ua = approx 1.1 dollars) on the Dutch firm for having given incorrect and misleading information in their notification of the distribution agreement.

The European manufacturers of sieves used in paper production have also had to drop some of their anti-competition practices concerning information. Their control of certain information had in fact prevented the purchasers of the sieves from taking advantage of competition between the alternative producers.

Miller International Schallplatten GmbH (who make records, tapes and cassettes in Germany (F.R.)) have been fined 70,000 units of account for imposing a restriction on re-exporting by their exclusive dealer in France. The fine was heavy because, since 1972 and the case of WEA Filipacchi Music S.A. , the Commission felt that there should be no room for doubt as to Community attitudes regarding the distribution of records.

Gerofabriek (who make silver plated and stainless steel tableware in the Netherlands) have been told by the Commission to modify their general conditions of sale applied to retailers in the Benelux countries : the system imposed by Gerofabriek prevented retailers from selling to each other, and imposed much higher minimum retail prices for Belgium than for the Netherlands.

Finally the Commission has allowed the watch makers, Gebrüder Junghans GmbH, to continue with their system of distribution in the Community. The Commission recognised that the conditions and demands imposed on the retailers by the supplier are strictly professional. Thus there

are no restrictions of supply or deliveries within the Junghans distribution network and distributors are free to fix their prices as they wish : the free play of competition is therefore still being respected.

++ LIMITING VINYL CHLORIDE IN CONTACT WITH FOOD

The risk of cancer from consuming a substance called vinyl chloride monomer (VCM) has been suspected for some time. The gas is unfortunately used in the production of polyvinyl chloride (PVC) which today is one of the commonest plastics used in food packaging. To ensure adequate consumer protection the European Commission has proposed strict regulations for objects and materials containing VCM which are to come into contact with food.

For safety reasons 1 milligram per kilo of the final product is to be the maximum amount of VCM permitted by the European Commission in materials that are to come into contact with food. The foodstuffs which do actually come into contact with such materials should not absorb more than 0.05 milligrammes of VCM per kilo. This limit is in fact the smallest trace that is detectible with accuracy by most laboratories.

Future changes in scientific knowledge and techniques could cause the European Commission to review the measures and possibly make it even more rigorous. To take into account this eventuality the directive drawn up by the Commission sets out a speedy procedure for modifying the measures according to technical progress.

++ EUROPE ON THE RIGHT RAIL

From February 1977, travellers will be able to see the same notice (a stylised railway signal) in all major railway stations throughout the Community giving the

"Green light for the trains ...
... and for the European Community"

This poster campaign will be undertaken jointly by the Information services of the European Commission and the railway companies of the nine Community countries.

The poster being used - of which 39,000 copies will be produced - was chosen following a competition among artists from Community countries. The winner was the Belgian artist André Pasture.

++ VEHICLES : MORE SAFETY MEASURES

The European Commission has sent to the Council of Ministers five more proposals for directives to help bring together national legislation covering different parts of motor vehicles. This follows a great deal of patient work which eventually will result in the harmonisation of the safety and commercial regulations applied to motor vehicles in the Community. The proposals put forward by the Commission deal with the type-approval for motor vehicles and their trailers, rear fog-lamps reversing lights and parking lights, the weights and dimensions of private cars and other passenger vehicles having no more than nine seats. They also deal with the construction, testing and installation of tyres for motor vehicles and their trailers, and finally heating systems for passenger compartments.

++ THE COMMUNITY'S NEW CONSUMERS' CONSULTATIVE COMMITTEE

As of the 1st of January 1977 the members of the Consumers' Consultative Committee will be as follows :

Mr J. BUSTAMENTE	Confédération européenne des Syndicats	
Mr G. CASTELAIN	Association des consommateurs	Belgium
Mr G. CHRISTENSEN	F.D.B.	Denmark
Mr E. DARY	C.O.F.A.C.E.	France
Mr A. DUMONT	Consumers' Association	UK
Mr N. ESTGEN	Action familiale et populaire	Luxembourg
Mrs A. FRANSEN	Consumentenbond	NL
Mr G. HILKENS	De Nederlandse Gezinsraad	NL
Mr G. LAZZERI	C.I.S.L.	Italy
Mr R. MEIS	C.G.T. - Luxembourg	Luxembourg
Mr G. SPALLONE	L E G A	Italy
Mr R. TARNAUD	C.F.D.T.	France
Mr A. VAN DEN BIGGELAAR	N.K.V.	NL
Mr D.L. WILKINSON	Cooperative Union	UK
Mrs U. WOLFRING	D.G.B.	Germany

Experts appointed by the consumer associations

Mr J. McMAHON	Consumers' Association	Ireland
Mrs M. STOMMEL	F.D.K.	Germany
Mr J. SEMLER-COLLERY	F.N.C.C.	France
Mr G. TOTEMS	F.O.	France

Experts appointed by the European Commission

Mr P. BRUSCHI	Federconsumo	Italy
Mr M. DE GRAVE	C.S.C.-Belgique	Belgium
Mr H. ESTINGOY	Inst. Nl. de la Consommation	France
Mrs B. FEDERSPIEL	Forbrugerrådet	Denmark
Mrs A. LULLING		Luxembourg
Mrs E. SMITH	N.C.C.	U.K.

++ PROTECTION OF BIRDS IN THE COMMUNITY

There are about 400 species of birds living in the Community. The results of recent observations are disturbing and indicate that birds are disappearing or being destroyed at a depressingly steady rate. The causes of this problem are numerous : indiscriminate hunting, badly controlled trapping, an increasingly precarious living environment which no longer ensures good breeding conditions ... As many as sixty species of birds are threatened with extinction in the Community at this very moment.

To avoid a disaster and turn the tide while there is still time left, the European Commission has just sent the Council of Ministers a directive which would set up a system of protection of all the species of wild birds living in the Community. The text prepared by the Commission will prohibit the killing and trapping of such birds and would protect their habitats. It would also strictly limit trade in birds.

Regular information on the state of the different species in each of the Community countries will be provided to assist the effective implementation of this directive. These measures should in addition reassure public opinion which has become increasingly more insistent on action : since 1972 the Commission has received more than 50,000 signatures asking for Community measures to help our feathered friends.

++ EUROPEAN TRADE UNION INSTITUTE

The European Commission has just agreed on a loan of 45,000 units of account (1 ua = approx 1.1 US dollar) to be given to the European Trade Union Confederation to set up a European trade union institute.

Institute activities will mostly be concerned with research at the Community level in the economic and social fields-areas of priority interest to trade union organisations. Work will also include the organisation of conferences, seminars and study programmes and finally the education of union militants on European problems.

++ VAT AND THE COMMUNITY'S BUDGET

Value Added Tax (VAT) is to be harmonised throughout the countries of the European Community. This is the principle and policy already decided on by the Council of Ministers. It constitutes a decisive step towards the achievement of financial autonomy for the European Community and a step forward towards the harmonisation of tax systems practised in the Nine. If the final decisions are taken before March 1, 1977, as expected, the Community will be able to finance its total budget from January 1, 1978, without having to ask for contributions from Member States.

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THE NEW EUROPEAN COMMISSION

Paying homage to the tenacity and courage of the preceding European Commission is how Roy Harris Jenkins, new president of the European executive body, began his first public speech in his new post. Mr. Jenkins went on to underline that "Our constant aim must be to preserve the lot of the ordinary citizen throughout the Community and to make him or her feel that Europe is becoming a better place in which to live". Mentioning the growing divergencies in the economies of the Member States Mr. Jenkins stressed that it was necessary not to weaken the strong but to strengthen the weak.

The members of the new Commission are presented below together with the special responsibilities they will have :

Roy JENKINS (President) will take under his wing the General Secretariat and the Legal Service, as is customary for Presidents. On top of this he will take personal charge of the information services.

François-Xavier ORTOLI (Vice-president) will be looking after economic and financial affairs, credit and investment as well as the Community's statistical office.

Wilhelm HAFERKAMP (Vice-president) will be responsible for external relations.

Finn Olav GUNDELACH (Vice-president) will be taking charge of agriculture and fisheries.

Lorenzo NATALI (Vice-president) has special responsibility for negotiations concerning the enlargement of the European Community. In addition he will be looking after the protection of the environment, nuclear safety questions and last but not least he will be responsible for relations with governments and public opinion concerning the forthcoming direct elections to the European Parliament.

Henk VREDELING (Vice president) will deal with unemployment and social affairs and will have specific responsibility for the Tripartite conference that brings together governments and employer and trade union representatives.

Claude CHEYSSON will, as in the last Commission, be dealing with development policy.

Guido BRUNNER similarly carries on with Research, Science and Education as in the last Commission but will be taking on the 'energy' portfolio as well.

Raymond VOUEL will carry on dealing with competition policy.

Antonio GIOLITTI will find himself dealing with regional policy and will have the new job of coordinating the European Community's various funds (social, regional).

Vicomte Etienne DAVIGNON will take on industrial policy, including the field known as 'internal market' which includes harmonisation issues and the measures necessary to create a real "common market"

Christopher TUGENDHAT, will take on the tasks of the budget and financial control as well as certain fiscal matters. He will also be in charge of the European Commission's personnel and administration.

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DOOR TO DOOR SELLING : NEW DIRECTIVE SPELLS THE END

It all began with a pleasant surprise : a letter in the morning post saying "Hurry and open : you may have won a prize if your ticket ends in an even number". And inside - what luck - the ticket did finish with an even number. "You've won ! Come to the local cinema on Tuesday evening, pick up your prize and take the opportunity of seeing a free film". The simple trap was thus laid. The "magnificent prize" was a plastic salt cellar which could not be collected until one had sat through a film watched a demonstration showing the merits of pressure cookers. Those who made up their minds to buy there and then before the end of the film would benefit from a "fan-tas-tic offer". And the point of this story : it is not difficult to find twenty or so mugs who will fall for this kind of shameless trickery.

This kind of sales technique rests on one golden rule : trap the customer when he least expects it. And the methods are becoming more and more cynical every day. It requires a good eye and a suspicious nature to avoid being taken completely unawares.

To end this sort of scandal the European Commission has just sent the Council of Ministers a proposal for a directive to protect "consumers when contracts are undertaken outside commercial establishments".

The psychological factor

When a consumer enters a shop he or she has the time to choose the product and to discuss at length the good and bad qualities of the potential purchase. This process is completely reversed when the seller visits the consumer at home or on "neutral" ground. In this case it is the seller who knows what he wants and competition is artificially suppressed. It is not possible for the consumer to make price and quality comparisons. To sign a contract under such conditions could lead to disastrous consequences unless some precautions are taken.

Present legislation in the Member States

Several States have already adopted legislation to protect the consumer against the risk of contracts made outside commercial establishments. In Belgium, for example, the Consumer has seven days grace during which he may cancel the contract. This is also the case in France and Germany, while in the Netherlands it is extended to eight days and in the United Kingdom it is reduced to five days.

Also in the Netherlands a special licence is necessary to sell goods and services outside commercial establishments, and this rule exists in different forms in Denmark, Belgium, Germany and Luxembourg. In Ireland and Italy, however, there is at present no specific legislation for such contracts.

The contents of the Directive

The proposal prepared by the European Commission covers all contracts between consumers and sellers where negotiations have been undertaken outside commercial establishments. There are, of course, some exceptions such as contracts concluded before a magistrate or a solicitor, or contracts involving less than 25 units of account (1 ua = 1.1 dollar) ; there is no need, for instance, to ask the milkman in the early hours of the morning for a written contract and seven days to think about it.

Seven days is in fact the period of reflection proposed by the European Commission : seven days, commencing when the contract is actually signed by the client, and any country may, if they so wish, extend this period. The contract itself must clearly state :

- names and addresses of the contracting parties ;
- a description of the product or service which is the subject of the contract ;
- the delivery date of goods or of services ;
- the price ;
- the means of payment ;
- unambiguous information on the consumer's right of annulment, including the name and address of the person to whom this annulment should be directed.

Insurance is the only exception to this seven day rule, and only in the special case, when the insuree expressly asks that he be covered from the same day. The insuree obviously cannot expect to be covered, and at the same time have seven days reflection. This would be like having his cake and eating it.

The European Commission proposes that if the consumer exercises the right to revoke the contract, all the payments made must be reimbursed and the goods received must be returned to the seller at the seller's expense and risk.

Of course there is no question of the consumer having to pay the bill or even an installment before the reflection period has expired, apart from a deposit which may possibly be permitted by national legislation. And neither does it mean that the consumer would have to pay the seller any indemnity for exercising his right of revocation.

When adopted by the Council of Ministers, this will hopefully put an end to those shabby doorstep confidence tricks.

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SITING POWER STATIONS : A COMMUNITY PROBLEM

According to estimates from the Community Member States, there will be 180 nuclear power stations built in the Community between now and the year 2000. Nearly 70 of these have already been sited which on average still means finding five to six new sites a year to locate the rest. In about forty years time the number of large nuclear sites in the Community will probably be around the 200 to 250 mark. These estimates have been made by experts in the European Community using a certain number of hypotheses relating to the growth of demand for electricity, the types of power stations that will be built, their power, their lifespan, etc.

In choosing the sites for these power stations, whether nuclear or conventional, the national authorities use a number of criteria : economic criteria - siting power stations according to the major areas of demand and the major existing means of conveying the energy produced. Other guidelines are concerned with regional planning and the industrial development of certain areas. Technical guidelines such as availability of water for cooling, seismic conditions, earth stability, danger of flooding, etc. are also important considerations. The national authorities also take into account the environment and the health of the population, the effect of thermal waste on aquatic and airborne life, the effects on local rivers of removing water, radioactive effluents, the risks from disturbances in the functioning of power stations, noise pollution, the spoiling of the countryside etc.

All these problems fall within the competence of the Member States and up until now have not been dealt with comprehensively at the Community level. The European Parliament has however become very concerned and has asked that a policy on the siting of power stations be laid down at the Community level. Such a policy is particularly urgent in frontier regions, or where power stations are sited along cross-frontier rivers.

The Commission has in fact proposed that a body be set up at the Community level to look at the problems created by the siting of conventional and nuclear power stations as well as power cables. The aims of this body would be :

- to provide mutual information to Member States ;
- to stimulate and guide the work in this field in Member States ;
- to help the Commission in the formulation of strategies and common criteria ;
- to study the problems of siting power stations, especially in frontier regions.

In the case of power stations likely to affect the territory of another Member State, the European Commission has also proposed that a procedure of systematic consultation be set up : Member States should provide the Commission with general data on siting plans and the effects of cooling towers on clouds and fog, thermal pollution in coastal waters, etc. The Commission, with the help of experts, would examine this data and then give its verdict.

Such a procedure already exists for radio-active effluents from nuclear power stations and this could be extended to all the impacts that power stations could have on neighbouring countries.

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