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"EUROPEAN LAW": Citizens increasingly aware of their rights

How laws were applied in the 12-nation Community in 1986.

People in the 12-nation European Community are becoming more aware that "Community legislation" gives them certain rights, judging by the number and kind of situations in which the European Commission had to intervene last year. Put quite simply, when governments do not pay heed to their rights, Europeans are fighting back. This is the main conclusion drawn by the European Commission from its examination of the application of "Community legislation" during 1986, the results of which appear in a recent Commission report.

When the Commission finds that one of the member states has failed to respect the "Constitution" or one or other piece of "Community legislation", or when a violation is brought to its notice, it serves formal notice on the government or authorities of the member state in question. Last year the Commission did just this 516 times, as compared to 503 in 1985.

In the absence of a satisfactory answer the Commission demands an end to the infraction within a fixed period of time. The Commission had recourse to such measures 164 times last year, as against 233 the year before, largely because it was able to reach an amicable settlement in numerous cases.

However, should the government fail to comply, the Commission can take the matter to the Community's Court of Justice in Luxembourg. Seventy-one cases were tried by the Court last year, some 30% fewer than the year before. This was because, in the Commission's view, (1) it reached an amicable settlement in numerous cases at rather an early stage in the proceedings and (2) it conducted a thorough-going review of the implementation of Community legislation in 1985.

The areas in which the Commission's intervention was necessary have been changing. In 1986 the environment and consumer protection were the two areas in which the largest number of formal notices were served, as against industry and agriculture in previous years. Clearly, both individuals and organizations are becoming more vigilant. There has been a similar sharp rise in the number of interventions by the Commission in the field of taxation, largely because of the Commission's own efforts to inform people of their rights.

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The number of complaints lodged with the Commission also rose substantially last year: 791 as against 585 the previous year. More than two cases out of five related to the internal market/industrial affairs and included, among other things, complaints regarding the red tape in which people travelling from one member state to another can be tied up.

Complaints relating to the environment recorded the sharpest rise, however. They rose in a year and now account for one-fifth of the total. The complaints originate with ordinary citizens as well as environmental groups, firms and members of the European Parliament.

The European Commission, for its part, uncovered 293 cases of breaches of Community law last year, as against 244 in 1985. But it is finding it increasingly difficult to deal quickly with all the cases known to it. Hence its decision to leave to one side cases for which evidence is lacking and to give priority to those involving the internal market; obstacles to the right of Europeans to move about freely within the Community and to stay or even settle down in another member state; environmental protection; measures to combat agricultural surpluses and the rules against overfishing.

National law courts are increasingly asking the Community's Court of Justice to interpret the "Constitution" or Community "laws". This shows that both individuals and businessmen are becoming more aware of their rights and no longer hesitate to invoke Community law during a court case.

There is a discouraging aspect to it, however. This is that the number of judgements that are simply ignored is rising as fast as the number of cases being dealt with by the Court in Luxembourg. The European Commission has asked the European Parliament to put pressure on the national Parliaments, given that in many cases the Community's own judges want governments to modify a national law which is not in conformity with European "legislation".

The largest number of formal notices were served on Greece, Italy and France last year and very few on Denmark. France and Italy set a record when it came to reasoned opinions, while Italy and Belgium were taken to the Court of Justice most frequently.

CUSTOMS: A mother's pullover - or taxing the affections

The adventures of small gift parcels within the European Community.

Mrs Smith is British and lives, as she has always done, in Britain. Her son lives in France, however, where he works. Now the French climate is not particularly cold - no colder than Britain's. But mothers are apt to worry when it comes to their children. Mrs Smith, afraid that her son might catch a cold, lovingly knitted him a handsome pullover.

She sent it to him by mail. French customs, no doubt alarmed at the possible invasion of France by a veritable army of pullovers, scarves and caps knitted by British mothers, priced Mrs Smith's pullover at £90. This was well above the cost of the wool, and, unhappily for Mrs Smith's son, above the limit for small parcels. The tax on the pullover therefore came to £20.

Still in Britain, a Mr Brown decided to send a birthday present to someone dear to him, living in Belgium. He bought two books (total value £3) and mailed them on December 30, confident the postman would deliver the parcel before the fateful date of January 13.

The postman duly arrived with the parcel - but some six weeks later. He also had the temerity to ask for £7 in customs duty. The addressee refused to pay, whereupon the gift was returned to Mr Brown. He received it five months later, together with an order to pay postal charges amounting to £13.50.

The British Euro-MP, George Patterson, who raised the matter with the European Commission, does not say whether the parcel is still shuttling between Britain and Belgium and, if so, what the postal charges now amount to. But he clearly does not see the point of so much red tape in a Community worthy of the name.

In his reply Commission Vice-President Lord Cockfield agreed that in a genuine common market Europeans would be able to send small gift parcels without payment of any additional taxes. For the present, member states have the right to levy VAT and excise duties on gifts whose value exceeds ECU 100*. But once fiscal frontiers have been swept away, some five years hence, Europeans will be able to show themselves as generous as they like.

* 1 ECU = UK£ 0.70 or IR£ 0.78

ENVIRONMENT: Diesel engines pollute ...

... while the number of cars fitted with them continues to rise.

New diesel car registrations reached 1.6 million in 1985, as against 1.3 million the year before in the 12 countries that now make up the European Community. Diesel-powered cars already accounted for 17% of the Community market, their numbers having risen by 6% a year since 1979.

The sharpest increase was in Germany, where the number of diesel-engined cars jumped in one year from 321,000 to 531,000, overtaking Italy, which until then had led the field, largely because of the very big difference in the price of petrol, on the one hand, and diesel fuel on the other.

If Britain accounts for no more than 3.7% and Denmark 6.6% of the total, the comparable figures for all the other Community countries are much higher. Thus in Belgium as in Germany, and in Italy as in Spain, nearly one car in four is diesel-powered - and the upward trend was even more marked in 1986.

As everyone knows, such cars contribute substantially to air pollution. Public concern led the Belgian Euro-MP, Willy Vernimmen, to ask the European Commission what action it had taken to reduce such pollution.

Lord Cockfield, a Commission Vice-President, pointed out that the Commission had long been aware of the growing danger to the environment from the increase in diesel-powered cars. A 1972 Community directive in fact dealt with smoke emissions from diesel-powered motor vehicles. A 1983 directive covers emissions from both diesel- and petrol-engined cars. The former are also covered by a new Commission proposal, which aims at a considerable reduction in the limit values set by the 1983 directive. Finally, the latest Commission proposal specifically covers particulate emissions of diesel-engined cars.

RESEARCH: EUREKA forges ahead

Madrid Conference approves 58 new projects, costing ECU 708m.

"Research and technology are continuing to forge ahead ... and European industry is becoming steadily more aware of the benefits of transfrontier cooperation", Dr. K.H. Narjes, European Commission Vice-President, told the EUREKA Conference in Madrid.

And the Conference proved him right by adopting 58 new projects, bringing the total since 1985 to 165. France is taking part in 85 of these projects, followed by the U.K. with 57 and Italy with 47. But all 19 European countries involved in EUREKA are playing an active part in it. The 40 ministers of research, industry and foreign affairs who met in Madrid underlined the speed with which this programme of transfrontier R & D is developing, without any sacrifice in the quality of its projects.

Today more than 600 firms, universities and research institutes are working together in the framework of the EUREKA programme, which has an investment budget of some ECU 4,000m*. That the R.& D projects are likely to be profitable is clear from the growing interest shown by the commercial banks, who have already expressed their readiness to cooperate with EUREKA.

Mr Narjes told the Madrid Conference that the European Community now has a firm foundation for its research and technology policy and that this should provide a fresh impetus to collaborative research under the EUREKA programme. With the completion of the single market, set for 1992, European industry and the European Community need the powerful technological impetus in the context both of EUREKA and the Community's research.

The European Commission, which has approved two applications from Hungary and Yugoslavia for participation in Community programmes, is giving continuous support to the EUREKA Secretariat. It is also eager to attract private venture capital to EUREKA projects through the financing instruments EUROTECH-CAPITAL and -INSUR.

The European Commission must also ensure that the Community's competition rules are met with and that the new standards adopted in the EUREKA framework do not conflict with the objective of the single internal market. For his part, the European Commissioner, Abel Matutes, insisted on the importance of financing high technology projects. He suggested that the Commission serve as a contact point for banks and European firms. The Round Table of European Banks, which was set up recently, and the statements it has since made, prove that private capital is available for investment in EUREKA projects, whose future seems increasingly more promising.

* 1 ECU = UK£ 0.70 or IR£ 0.78

SPORT: Marc Madiot, of France, wins the Community bicycle race

Cycling from Rome to Brussels, to mark the 30th anniversary of the Treaty of Rome.

More than 100 cyclists and 19 teams took part this year in the Round the European Community bicycle race, which was organized jointly by the organizers of the Italian, Belgian and Dutch cycle races, as well as the German Cycling Federation.

The starting gun was fired by the European Commissioner, Carlo Ripa di Meana, in Rome, where 30 years ago the Treaties giving birth to the European Community were signed. The itinerary was chosen to mark this event, which has changed the face of Europe, in the words of Commission President Jacques Delors.

The itinerary took in all six of the founding member states and linked the three cities housing Community institutions - Strasbourg, Luxembourg and Brussels.

The race was in 12 stages and covered more than 1,200 miles. President Delors, Vice-President De Clercq and Commissioners Ripa di Meana and Sutherland were at the finishing line to greet the survivors of this gruelling race, the last long-distance race in the cycling calendar.

Both professionals and amateurs took part. They came from not only the member states but also other European countries as well as Asia and Latin America. The race was won by Marc Madiot, who was a mere 90 seconds ahead of another Frenchman, Laurent Berault, an amateur, who had a 2-minute lead over the Soviet cyclist Piotr Ugrumov.

ENVIRONMENT: Less marine pollution in case of accidents

The European Commission sets up a rapid intervention system.

The danger to European Community waters of pollution from shipwrecks or collisions between vessels carrying polluting substances will be greatly reduced, thanks to a system just set up by the European Commission, which enables experts to give advice promptly and to visit the scene of the accident if necessary.

The intervention system includes dozens of specialists, the majority of whom are government officials, although some are private consultants. They can intervene within minutes of an accident being reported, and are capable not only of dealing with oil spillages and oil polluted beaches but also the electronic detection of dangerous substances and the use of chemical dispersants.

The new system is an extension, in fact, of a Community information system for oil and chemical pollution. It is based on experience gained during such recent disasters as the sinking of "The Herald of Free Enterprise" at Zeebrugge at the end of last year. The experts' transport costs could be met from the Community budget. Developing countries, incidentally, can also call on the services of the Community's experts.

ENVIRONMENT: At last, a world agreement on protecting the ozone layer

The 12-nation EC spoke with one voice.

Faced with damage to the ozone layer, which protects the earth and its inhabitants from the more harmful effects of ultraviolet radiation from the sun, the nations of the world have finally decided to act together. They signed on 16 September 1987 a protocol which provides for an overall reduction in the production of chlorofluorocarbons (CFCs), the chemical substances which are slowly eating away the ozone layer.

The protocol provides for a freeze in the production of CFCs, to be followed by a cut of 20% in 1994 and one of 30% in 1999. Between now and the year 2000 production of CFCs, which are used in aerosols and some plastic products, should therefore be reduced by half. Representatives of the European Community, one of the world's biggest CFC producers, signed the protocol on behalf of the 12 member states. All but two member states also signed it. Ireland and Spain have indicated they will do so shortly.

AGRICULTURE: No to national advertising campaigns and surplus milk

The European Commission approves new rules on state aids.

From January 1 government support for advertising campaigns for agricultural products and for investments in the dairy sector will be subject to new, Community-wide rules. The European Commission has just approved new criteria for checking on state aids in order to (1) guarantee fair competition between producers in the various Community countries and (2) prevent the Twelve from generating, through the use of state aids, the very dairy surpluses they are trying to eliminate through Community measures.

While most governments in the 12-nation Community subsidize publicity campaigns in favour of local agricultural products, the European Commission wants to prevent such aid from giving producers in one country an unfair advantage over the others. Hence its new rules, which lay down rather precise criteria that state aids must meet if they are to be acceptable from a Community standpoint.

The Commission will ban government support for publicity campaigns urging the consumer to buy only home-grown products, or products of a given enterprise. However, publicity aimed at disposing of surplus stocks, promoting new or quality products, as well as publicity which benefits deprived areas or small firms, will be allowed. Even so, at least half the cost of all such campaigns will have to be met by the professional bodies concerned.

As for investment aids in the dairy sector, those which seek to stimulate output of products in surplus, such as butter or milk powder, or encourage the use of cow's milk in the manufacture of other products, will be banned. Here, too, there will be exceptions, however. The Commission will authorize state aids aimed at protecting the environment, conserving energy or checking on the quality of milk. The Commission has pointed out that the same rules will also apply to imitations.

Investment aids which facilitate the restructuring of dairies or the creation of new or "biological" products will also be authorized.