



# a newssheet for journalists

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**INTERNAL MARKET: No "1992" sans Community legislation**

The European Commission appeals to the Twelve and the European Parliament.

The 12-nation European Community has already reached the half-way mark as regards the 1992 single market. But only in theory; in practice, the Community still has a long ways to go, because governments are falling behind when it comes to taking the steps needed to implement the measures finally adopted by the EC Council of Ministers. What is more, they do not always remember to implement the rulings of the European Court of Justice.

The European Commission is preoccupied by this state of affairs, as it noted in its last annual report on the realization of the 1992 programme, published at the beginning of summer (see Eurofocus 24/89). The Commission returned to the attack in two reports issued in early September. Both call on the Twelve to meet their obligations on time and on Euro-MPs to remind their colleagues in the national Parliaments of their duty to the European Community.

Of the 68 Community measures which theoretically are in force already, only seven can be implemented in all 12 Community countries. This is because these measures are legally valid in each Community country only after its government has incorporated them into national law. In the case of no fewer than 61 of the 68 measures there is at least one EC country that has failed so far to do so.

To remedy this situation quickly the European Commission is asking each of the Twelve to appoint a contact person with responsibility for monitoring the application of the measures already adopted. It also wants them to make government departments more aware of the European dimension and to promote exchanges of information and experience between national administrations.

The Commission for its part proposes to organize regular meetings with each of the Twelve to review progress in national incorporation of Community measures. At the same time it wants to give wider publicity to the results of this review: the report published in early September contains a detailed table on the implementation of Community measures in each Member State. The Commission also plans to simplify the existing procedures for countries that do not meet their obligations. Finally, it will submit proposals to set up an exchange programme for officials from the 12 Member States dealing with the key sectors of the single market.

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In order to compel governments to fulfill their obligations, should they fail to do so spontaneously, the Commission can make use of the procedure provided for in the Treaty of Rome, the European "Constitution". It starts with a formal notice from the Commission which, if it proves fruitless, is followed up by a reasoned opinion, declaring the Member State in question to be in breach of the law. Should this not give the desired result, the Commission refers the matter to the EC Court of Justice.

Complaints by individuals or firms represent the Commission's main source of information on infractions by the Member States. It received 1,137 complaints in 1988, as against 850 the previous year. But Commission officials discovered another 307 cases of infraction themselves, as against 260 in 1987, according to its latest annual report on the implementation of Community legislation.

Italy once more held the record as regards the number of infringement procedures launched by the Commission last year. It received the largest number of letters of formal notice - 107 as compared to the 64 received by Greece and 58 each by Germany and France - and the largest number of reasoned opinions received by any Member State - 52 as compared to 32 by Greece, 27 by France and 24 by Germany. Greece and Italy together led the way as regards the number of times they were taken to Court in 1988 - 14 in their case as compared to 10 in the case of France and Belgium.

Italy has also distinguished itself in another area of particular concern to the Commission: the failure to implement the Court's decisions. The fact is the number of decisions whose implementation is delayed shows a rising trend. The Commission has admitted that generally speaking such delays are not due to a lack of political will; even so, "they still breach a fundamental principle of a Community law, namely that rules must be obeyed without exception or ambiguity", in the Commission's words.

The number of court proceedings for failure to implement Court rulings comes to 20 for Italy, 7 for Greece, 5 for Belgium, 4 for Germany, 2 each for France and Denmark, and one each for the U.K., Ireland and the Netherlands.

The Commission could nevertheless point to some encouraging signs. On the whole, the interval between the discovery of an infringement and its elimination is tending to shorten. Moreover, after rising steadily for four years, the number of formal notices issued in 1988 fell slightly - 569 as compared to 572 in 1987. But the number of reasoned opinions has risen sharply - 227 as compared to 197 - as have court proceedings - 73 compared to 61. The Commission has concluded that infringement procedures are not enough and must be supplemented by continual action to increase awareness of the situation.

**ENVIRONMENT: No tourist visa for waste**

A Community strategy to handle the 2,200mn. tonnes of waste produced annually in the EC.

"The 1992 single market must not imply a tourist visa for waste", according to Mr Ripa di Meana, the European environment commissioner. He believes that because of the sheer size of the problem solutions must be sought as quickly as possible. A 1987 report from the European Parliament noted that the Twelve produced annually some 2,200mn. tonnes of waste. This mountain of rubbish, which ends up in large part in tips, tends to go to the regions which can deal with it at the cheapest price. The result, inevitably, is to turn regions into vast rubbish dumps. This unacceptable solution, which is meeting with growing resistance, has the added disadvantage that it discourages investments and research into new waste disposal technologies in other regions, thus leaving them under-equipped.

All this is taking place at a time when waste management is becoming a major industry, if not the major industry in the industrialized world. It already ranks fourth in the United States among the economic sectors regarded as the most important during the next 10 years. In the European Community the network of activities connected with waste disposal, which includes not only the elimination but also recycling and marketing of products made from waste, employed more than two million people in 1982 and had a turnover of nearly ECU 200 billion\*.

Faced with the problem, the framework measures the European Commission has equipped itself with and which allow the Member States plenty of room for manoeuvre, are no longer enough. The European Commission, at the initiative of Mr Ripa di Meana, has therefore proposed to the Twelve a Community strategy for waste management with five priority areas: prevention, recycling, elimination, transport and the restoration of sites contaminated by waste.

As regards prevention, it is necessary that industries develop genuinely clean technologies as a first step, rather than concentrating on cleaning up waste, as this simply transfers the pollution elsewhere. However, it is equally necessary to encourage the use of products which generate less waste; this applies to consumers also, inasmuch as they, too, generate waste.

Even so, the Commission would give priority to the recycling of waste. This involves not only research but also the development of new techniques, the improvement of waste sorting methods, cost reduction and the creation of markets for products of the recycling industry. Given that 93% of household rubbish, together with 40% of industrial waste, end up in tips or incinerators, the substantial loss to the economy is evident.

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Waste that can be recycled will also be exempted from the proximity principle - namely, the obligation to deal with it at the site closest to where the waste is produced - on condition, however, that their support is closely supervised. The elimination of waste which cannot be recycled, on the contrary, will have to be carried out close to where it is produced.

The solution most often used, tipping, is increasingly seen as one which poses serious problems for the environment, not forgetting the difficulty of finding suitable sites. Very strict standards as regards site preparation, its operation, the types of waste which can be discharged and their prior treatment nevertheless should limit the damage. Incineration represents another widespread and acceptable form of waste disposal, provided that strict limits and very severe emission standards are observed.

Finally, the restoration of contaminated sites. Europe has some major ones, contaminated through unforeseen accidents, bad management or as a result of industrial activities. Some Member States have already begun to draw up a list of such sites and to prepare programmes for their clean-up. The European Commission will contribute to the substantial financial effort that will be needed; but it will also endeavour to discover those responsible and to ensure respect for the principle that the polluter pays.

As for the transport of waste, especially of toxic substances, the Community's policy is aimed at ensuring reliable and economic transport, in order to reduce the risks to both man and the environment. To this end it is seeking greater harmonization and the full application of the rules governing national and international transport.

An end, therefore, to the "tourism" certain shipments of waste have hitherto enjoyed. An end to their wanderings outside the Community also, as was agreed under the recent Basel Convention, except for certain cases. It only remains for everyone to put his own house in order.

\* 1 ECU = UK£0.68 or IR£0.78

**AGRICULTURE: Use of a new hormonal substance to raise milk yields held up**

The European Commission proposes giving the experts until end 1990 to evaluate BST.

EC milk yields will not rise in spectacular fashion in the near future. The European Commission asked the Twelve on September 13 to keep the file on bovine somatotropin (BST) pending until the end of 1990. BST is a hormone-derived substance created through biotechnology and capable of raising substantially milk yields of dairy cattle.

In the current state of Community legislation, the power to authorize the use of BST rests with the Member States, once the European Committee on Veterinary Medical Products has reported. The Committee is currently examining two applications for authorization. European studies now under way deal with the quality of milk from BST-treated cows and the likely effects of BST for both producers and consumers.

The Commission would like to await the results of the various studies before proposing, on 1 October 1990, a Community regulation authorizing, banning or limiting the use of BST. In the U.S. research by companies into BST is already at a very advanced stage, but a decision by the competent American authorities is not expected before mid-1990.

The Commission is not asking too much, therefore, in calling for a period of reflection, given the problems raised by BST. The prospect of fresh rivers of milk is somewhat alarming in a Community which has had difficulty getting rid of its surpluses. However, a European ban on the use of BST would lead to tension with the U.S., should the Americans decide to authorize its use. It will be up to the Twelve to decide.

**SINGLE MARKET: A postal Europe is in sight ....**

... but it will handle neither letters nor postcards.

A postal Europe will not be overlooked in the 1992 single market, but the creation of a European post office, handling mail from Berlin to the Balearic islands and from London to the Greek islands is not on the cards. The Community's post and telecommunications ministers declared themselves ready, at a meeting in Antibes on 12 September, to study the implementation of a Community regulation allowing private firms to undertake certain postal services, especially those of interest to companies.

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However, ministers would like their postal administrations to retain the "reserved services", which include the distribution of letters and post-cards to individuals.

As a first step, ministers approved the creation of a group of senior civil servants drawn from their national postal administrations. The Commission, for its part, will submit to the Member States next year a green paper on the postal services in the single market.

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#### SME's: Community-wide subcontracting for 1992

The European Commission encourages a rapidly changing area of economic activity.

The European Community's major manufacturing companies now subcontract or buy from outside suppliers roughly 60% of the components they need, as compared to 40% a few years ago - and some 80% in Japan. The European Commission is convinced that subcontracting, an activity dominated by small and medium-sized enterprises (SMEs), is one of the keys to the future of manufacturing industry in Europe. Hence a series of initiatives aimed at making it easier for SME's to take full advantage of the emergent single market.

Subcontracting is currently undergoing profound changes, according to a Commission report published at the beginning of August. SMEs which undertake subcontracting are specializing more and more, instead of simply acting as stopgaps for bigger companies.

To enable these SMEs to take advantage of the opportunities offered them in the 12-nation Community, the European Commission has already funded the preparation of multilingual technical lexicons, covering such specific manufacturing sectors as textiles and electronics. They will be available by the end of the year. The Commission is also trying to encourage the use of European technical standards, in order to give all SMEs a better chance, whatever their country of origin.

The Commission is planning to set up next year a European information centre on subcontracting. An independent organization, it would act as a link between national, regional and other bodies dealing with the subject.

**SOCIETY: A Community without families?**

The Twelve must face up to the need for family policies.

A little over a century ago the French writer, Hector Malot, with his tears to back him up, recounted the misfortunes which befell a small boy because he had no family. The trauma of the disappearance of this pillar of society had already begun to make itself felt when Malot was writing; even so, he would be greatly surprised at the turn of events on the eve of the year 2000. True, over the ages the terms "family" and "household" have been applied to very different situations, depending on the country and the region. But a new trend is now beginning to manifest itself. While the household was an economic unit in times past, today it is much more a unit of consumption.

Economic activity now takes place outside the family, with a consequent dissolution of the link between production and the family. The full extent of the change is evident if one adds to this the effects of changes in mortality and in the statistics on marriage and divorce, their effect on the number and size, as well as the formation and make-up of households. Other types of household have emerged, and their importance is far from negligible. They include reconstituted families (in other words, composed of a new partner and children of a former spouse, or including children from a former marriage of each partner), single-parent families, unions "by agreement", one person and single-parent families, etc.

The profound changes that have taken place, and which are still taking place in our society, are at the basis of the changes in the structure and consequently, the role of the family. They are of two kinds. On the one hand there are the new social and economic realities, brought about by changes in labour market structures, on the other demographic changes and their impact on family structures. These changes therefore place the family in the forefront, to the extent that it is the area most sensitive to economic and social repercussions.

The paramount role of the family is stressed in all major treaties, such as the U.N. Declaration of Human Rights, where the family is defined as "the natural and fundamental group unit of society ... entitled to protection by society and the State." This is also the case at the level of the EC, inasmuch as fundamental principles and rights of the family have been confirmed by the European Parliament, the European Commission and the EC Council, to the point where they are inscribed in the Preamble to the Single European Act.

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This is the context in which the European Commission has asked the Twelve to address themselves to the issue of family policies, giving them at the same time a draft report which could serve as the basis for a Community approach to these questions.

In view of the impact of these economic and demographic changes on the family, it is important to pose the question as to the nature of the prospects and the objectives to be pursued. The activities envisaged include the continuation of actions seeking to inform and to increase awareness, particularly through the production and diffusion of regular information on demography, and especially on measures concerning families.

It is also necessary to take into account the family dimension in the establishment of certain Community policies, such as the freedom of movement of persons and equality between men and women. Last but not least, there is need for regular concertation at Community level on the four following principal themes of common interest: (1) the impact of other Community policies on the family, notably on child protection; (2) reconciliation between professional life, family life and the sharing of family responsibilities; (3) measures taken in favour of certain categories of families, notably single-parent and large families; and (4) attention to most deprived families.

The report calls on the Twelve to pay particular importance to the childcare network and to questions raised by job flexibility - flexi-time, temporary work, etc. - as well as by the provision of adequate basic infrastructure, such as working hours of public and private services, transport, etc.

It is not such a bad thing, after all, to find oneself back within the family fold!