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EUROFORUM

INTERNAL MARKET: Continued progress in the application of Community legislation

Italy and Greece remained the dunces of the "Class of 1992".

European Community countries did better on the whole in recent months in transposing into national legislation the "European laws" aimed at creating the single market. The European Commission confirmed this in a report published in early October and commented on it favourably. Spain and Portugal tried the hardest, and are now catching up with the "stars" of the "Class of 1992".

Denmark beat the record as regards the number of measures transposed, with more than 80% of the total as of 25 September 1990. Germany and the United Kingdom were close behind, however, followed by Portugal, France, Spain and Belgium, who have transposed between two-thirds and three-quarters of the 1992 legislation. They were closely followed by the Netherlands, Luxembourg and Ireland. The two countries that have a great deal of catching up to do are Greece, which has transposed only half the measures in question, and Italy, which has managed to transpose barely 40% of them.

If the European Commission is following the matter so closely it is because the single market will be unable to function if the "laws" designed to allow the free movement of people, goods and services remain a dead letter in some EC countries. The Commission has nevertheless noted an encouraging fact: where there are delays, they are the result, not of ill will on the part of governments, but simple administrative problems. Member States certainly do not tend to "forget" to transpose Community legislation which is not to their liking and which they voted against in the EC Council of Ministers.

Even so, the time lost must be made up. The Commission in fact is working hard to alert national civil servants to the problem. In this connection the data bank known as INFO 92, to which the public has access since June 1989, makes it possible to keep track of the position of each Member State as it carries out its obligations*. Finally, the Commission has set up an exchange programme for civil servants from the 12 EC countries, so as to ensure that the application of the "1992 programme" is truly European.

* Information on INFO 92 can be had by calling 235-00-03 in Brussels.

COURT OF JUSTICE: Only doctors can practice medicine

Member States have the right to regulate, as they see fit, the practice of certain paramedical professions.

Marc Gaston Bouchoucha is French and a physiotherapist. As he also has a diploma in osteopathy from the European School of Osteopathy in Maidstone, Mr Bouchoucha set himself up in practice as an osteopath in Nice in April 1981, although under French law he was barred from doing so as he did not have a medical degree. Mr Bouchoucha was taken to task by the medical association and found guilty of illegally practising medicine. He appealed, pointing out that his diploma from the European School of Osteopathy gave him the right to work as an osteopath in the U.K. To prevent him from doing the same thing in France, on the grounds that he was not a doctor, was contrary to the provisions of the EEC Treaty on the freedom of establishment.

The matter came before the European Community Court of Justice in due course, having been referred to it by the Court of Appeal in Aix-en-Provence. The Court noted that as no Member State has so far granted mutual recognition to the diploma earned by Mr Bouchoucha, France, as well as all other Member States, have the

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right to prevent their nationals from trying to get around the existing rules on vocational training. As nothing in the Treaty prevents a Member State from restricting the practice of osteopathy to fully qualified doctors, Mr Bouchoucha will have to keep his hands off other people's vertebrae on French territory.

The same fate awaited Mrs Bruna Goti and Mrs Eleonora Nino, as well as MM Rinaldo Prandini and Pier Cesare Pierini. All four are Italian nationals and members of an Italian association for certain forms of therapy. Without being doctors, all four practised bio- and "prano-therapy" in various Italian cities. Given that in Italy both these forms of therapy can only be administered by members of the medical profession, all four fell foul of the law. They agreed, however, that the law which had been invoked against them was contrary to the freedom of establishment, inasmuch as they could practice their profession, without benefit of a medical degree, in some of the Member States.

Alas for them, the Court of Justice stressed that the provisions of the EEC Treaty regarding freedom of establishment do not apply to situations which are a purely domestic matter, such as those pertaining to nationals of a Member State carrying out within its territory an unsalaried professional activity for which they cannot, moreover, claim any prior training or practice in another Member State.

CONSUMERS: Keeping a close watch on small game

Euro-MPs nevertheless feel it is asking too much that all game for the table should be inspected.

The arrival of autumn makes mouths water, of those for whom game is a particular delicacy and there are many of them in the European Community. They welcome the opportunity offered them to buy game and rabbit and would like to be able to choose between wild game and game birds and animals that have been raised for food. They also want the freedom to buy from wholesalers, retailers and even at the farm gate. Not surprisingly, these gourmets are particularly demanding when it comes to hygiene and quality. What is more, they also want to be able to buy game that has not been prepared for the kitchen, provided it is safe to eat. But at the same time consumers are opposed to laws which limit supply and, by imposing a lot of paperwork, raise prices.

How are these various requirements to be reconciled, bearing in mind the health risk to consumers posed by the presence of contagious diseases among animals in the wild in certain parts of the Community? The European Commission had proposed a regulation that the Euro-MPs have now adopted, subject to several amendments. The European Parliament takes the view that the Commission's text, which is aimed at defining specific health standards for game, goes too far perhaps when it stipulates that all the meat in question must be inspected. This requirement is regarded by Euro-MPs as disproportionate in relation to the relatively small risk to health. What is more, it would require a small army of sanitary inspectors and extra administrative staff, which could only mean higher prices for consumers.

The Euro-MPs have therefore appealed to common sense and expressed the wish that the Commission draw up a system of sampling, with a view to finding out just where consumers are at risk and then putting the inspectors in those regions. An enquiry should also be carried out to assess the extent of the risk to consumers, evaluate the need to carry out checks on all game and impose different sanitary requirements, depending on climatic conditions.

The Commission's proposal is the result of a long series of projects and the flexibility which characterises it must be welcomed, even if certain improvements are perhaps still necessary.

ENERGY: The European Commission wants to encourage savings

A proposal drawn up long ago turns out to be very timely.

As luck would have it, just as the European Commission's experts were putting the finishing touches to a programme aimed at stimulating energy savings, the Gulf crisis blew up. Unfortunately, there is nothing quite like an oil shock to get European governments and the general public to take energy savings seriously. The Commission therefore is much better placed than in July to get the Twelve to adopt a 5-year programme baptized SAVE* and presented by the European energy commissioner, Antonio Cardoso e Cunha, in early October.

SAVE aims at reducing the European Community's energy consumption by 12%, without any corresponding slowdown in economic activity, and cutting back carbon dioxide emissions by 15%. In order to achieve these ambitious goals the Commission plans to act on three fronts: technical, financial and information.

At the technical level the Commission wants to see strict standards adopted as regards energy consumption in the building sector, household appliances and transport. The fact is that the Commission has proposed to the Twelve, together with SAVE, a "European law" setting energy efficiency standards for new boilers. Other proposals will follow, particularly for cars.

In the area of finance, the Commission plans to offer additional inducements, especially fiscal, to those who invest in energy conservation. It is also asking the Twelve to do more to encourage techniques which will make it possible to repay loans made for investment purposes, thanks to the savings that have been achieved.

Finally, the Commission envisages various measures aimed at keeping energy consumers well informed. This will involve, for example, the training of "energy managers" in businesses as well as the systematic labelling of machines and appliances sold to the public to indicate their energy consumption.

SAVE would cost the Community no more than ECU 35mn.** and yet give it an opportunity to meet the energy saving target it set itself in 1986 for 1995.

* Special Action Programme for Vigorous Energy Efficiency

** 1 ECU = UK£0.70 or IR£0.77

REGIONS: Disparities widened during the 1980s

Rich and poor from Hamburg to the Aegean islands.

The 1980s did not witness a lessening of the inequalities between the regions of the European Community. On the contrary, the gap between rich and poor widened in many cases. This was true of disparities between Member States as well as between regions of different Member States and regions within the same Member State, as is clear from figures published in early October by Eurostat, the EC's statistical office.

Thus in 1988 the per capita gross domestic product (GDP) of Luxembourg was more than twice that of Portugal and Greece, when measured in purchasing power standards (PPS). This was already the case in 1980. But Luxembourg has grown even more prosperous since then, and today has a GDP that is 21% higher than the Community average. Greece and Portugal have become poorer in the meantime; their GDP is 45% below the Community average.

The disparities are even more striking between the Community's different regions. Hamburg is some four times richer, in terms of purchasing power standards, than the Greek islands in the northern Aegean (Lesbos, Chios, etc.). Even if the figure for Hamburg is somewhat inflated (a large number of people work in Hamburg but live elsewhere), regional differences remain impressive.

The fact is that in 1988 only 47% of the Community's population was living in regions with a per capita GDP above the Community average. At the other end of the scale, some 20% of the population was living in regions with a per capita GDP 75% below the average.

Regional disparities within the same Member State are generally not as important as those between Member States themselves. Even so, some of them are growing. This is the case as regards the disparities between London and the rest of the U.K. and Paris and the rest of France between 1980 and 1988. The same phenomenon has been observed between the Italian north and south-west, between 1983 and 1988. The economic gulf between Spain's Estremadura region and its Balearic islands is just as wide as that between Luxembourg and Portugal. The Community still has some ways to go towards reducing these disparities, while the figures for the former GDR are still awaited.

AUDIOVISUAL: Copyright protection in the single market

The European Commission plans to put forward solutions to the problems facing the market for audiovisual services.

The European Commission's planned new directive on broadcasting across the frontiers of the 12 European Community countries implies measures to ensure copyright protection, according to Mr Jean Dondelinger, the member of the European Commission responsible for the EC's policies on the audiovisual media, communication and culture. He was speaking in Rome at the opening of the fourth Eurovision International Cinema and Television Festival on September 30. The festival, which ended on October 4, brought together cinema and television professionals as well as those responsible for these two industries at the national level. Mr Dondelinger took the opportunity to announce a new Commission initiative in the drafting of the legal framework which will make possible the establishment and operation of a genuine single market in audiovisual services. The Commission in fact plans to propose coherent and relevant solutions to the problems which arise in relation to copyright protection in the audiovisual market because of differences between national regulations, the effects of international conventions and the complexity of recent technological developments.

Those problems have become more urgent because of the growing importance of direct broadcasting by satellite and simultaneous cable relay. In this connection Mr Dondelinger expressed the view that the transmission of a programme by satellite must be subject to authorization from the holder of the copyright. "In view of the need to guarantee an equivalent level of protection to all holders of rights throughout the European Community", Mr Dondelinger pointed out, "the management of these rights must be on a contractual basis". A contractual solution - that is to say, the acquisition of rights by comprehensive agreement in standard form - is also being proposed by the Commission for cable relay.

Mr Dondelinger concluded his speech by insisting on the importance he attaches to protecting the moral rights of creative artists, as a guarantee that the integrity of their work and their wishes are respected. "Here Europe has a historical part to play in defending that right, the essential corollary to any genuine freedom of expression", the Commissioner concluded.

EMPLOYMENT: Fewer jobs in agriculture, more in the service industries

Some 2mn. more jobs in the 12-nation Community in 1989.

The European Community's farm population continues to shrink as people seek jobs in industry and, above all, the services sector. This is confirmed by the figures published at the end of September by Eurostat, the EC's statistical office. In 1989, while the total number of jobs in the 12-nation Community rose by 1.7%, the numbers employed in agriculture fell by 4.2%. Over the same period the number of jobs in industry rose by 1.4% and in the services sector by 2.5%; in fact of the 2.2mn. new jobs created in 1989, 2mn. were in the services sector.

With very few exceptions, the situation in the 12 Member States has evolved in the same way as in the Community as a whole. Last year the number of jobs in farming fell in all EC countries except the Netherlands; the fall was particularly sharp in the countries with relatively large farm populations: Italy (-5.4%), Spain (-5.7%) and Portugal (-6.5%).

The number of jobs in industry rose moderately in all EC countries except Denmark and Italy, where it fell, and in Spain, where it jumped by more than 5%. As for the services sector, only Denmark and Ireland failed to follow the generally upward trend in employment; in Spain, Luxembourg and Portugal, on the other hand, employment rose dramatically, with rises ranging from 5.6 to nearly 6%.

Employment in Japan followed much the same trend in 1989 as in the Community, although the rise in employment in the services sector was matched by industry. In the United States, however, jobs in the farming sector increased in number, unlike in previous years.

Female employment rose much faster than male in the Community last year: by 3% as against 1%. This was the case in all 12 EC countries with the exception of Denmark, where both male and female employment declined. It was also the case in the United States and Japan. Finally, employees continued to account for a growing proportion of total employment; their share rose to 82% last year for the Community as a whole.