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200 rue de la Loi • 1049 Brussels • Belgium • Tel. 235 11.11 • Telex: 21877 COMEU B

Brussels

ENVIRONMENT: Are Europe's seas being slowly poisoned?

The European Parliament calls on the Commission and Member States to act urgently.

"We are fiddling while Rome burns", was how the Euro-MPs put it. They are impressed by the ecological disaster which threatens the seas that wash the European Community's shores, seas that have been reduced to veritable rubbish dumps, into which the Community's rivers are pouring, at an accelerating pace, the poisons produced by the Old World.

Industry and agriculture are equally responsible for the seaweed which threatens to choke the waters of the North Sea as well as the Venetian lagoon. The seals are the current victims of this marine pollution; tomorrow it will be the turn of the fish, then of people. The European Parliament, which has already adopted a number of resolutions on this subject, feels it is being ignored by the EC governments, too passive and slow to react in its view.

The latest resolution, which the Euro-MPs adopted unanimously, calls for increased research and a solution to the problems arising from the discharge of toxic substances into European waters, to be sought jointly by the countries bordering these waters.

A second resolution deals with the environmental problems of the Adriatic sea. It urges the Italian government to convene an inter-governmental conference on the Po and the Adriatic. According to the Euro-MPs, the European Commission must submit, as soon as possible, proposals for a directive, given that the time for reflection is over.

The fact is that Italian factories pour some 25,000 tonnes of phosphorous into these waters each year. To put an end to it will require a body responsible to the Community rather than the Member States.

For the European Commissioner, Stanley Clinton Davis, the causes of this marine pollution are well known, and the link between it and the diseases attacking the seals, the first sign of the eventual death of the North Sea, is clear.

The Commission's enquiry into the situation in the North Sea will be quickly followed by a ministerial conference. The EC's executive arm has already begun to draft regulations on the treatment of waste water; it will also look into the pollution caused by the oil and paper industries.

Other directives in preparation deal with agricultural and industrial pollution. "Humanity must quickly change its approach and must accept that pollution is a political problem", Mr Davis told the European Parliament.

The refuse dumps of Europe and, indeed, of the entire planet are beginning to overflow with the world's poisons.

ENVIRONMENT: A ban on non-returnable bottles is quite legal

The European Court of Justice rules in favour of Denmark.

Environmental protection is "one of the European Community's basic objectives" and as such it can justify limits to the principle of the free movement of goods. This is the implication of a ruling by the European Court of Justice in a case brought by the European Commission.

The fact is that in Denmark beer and other bottled drinks must be sold in reusable containers of an authorized size, on which a deposit must be paid. The Commission took the view that this requirement amounts to an obstacle to the free movement of goods and is an indirect way of protecting Danish brewers from foreign competition.

The Danish government recently modified the law to allow imports in containers which did not meet the requirements, provided the foreign beverage companies set up a bottle deposit and collection system and limited the volume of such exports to 3,000 hectolitres (66,000 gallons) each year.

Although the Danish system is costly, the Court held it is likely to protect the environment, given that it guarantees a very high reutilization rate and is an effective means, therefore, of fighting against this particular kind of environmental pollution.

The Court held, however, that the restriction to 3,000 hectolitres could not be justified on any of the grounds previously mentioned. Its decision can be said, therefore, to safeguard the environment, something to which the Danes attach a great deal of importance. But some governments might be tempted to use this ecological cloak to hide their protectionist tendencies.

EC INSTITUTIONS: The European Parliament can hold plenary sessions in Brussels

The European Court of Justice rejects the French appeal against Parliament's decision to have its own chamber in Brussels.

The battle to provide the European Parliament a permanent home goes on. The European Court of Justice in Luxembourg has dismissed the case brought by France; it has ruled that Parliament did not exceed its powers when it decided to build a chamber, holding up to 600 people, in Brussels for some of its plenary sessions.

The judges held that the resolution voted by Parliament neither conflicts with the decisions taken by the governments of the Member States on the provisional location of the offices of the Community's institutions, nor does it encroach on their powers in this matter. The Court has taken the opportunity, in fact, to remind the Member States that they are not without blame, having failed to take a firm decision on the location of the Community's institutions since the last 30 years, although they are required to do so under the EC treaties.

The situation is particularly serious for the European Parliament. Its committees meet in Brussels, where a part of its Secretariat is located, and where its political groups have their offices. Most of the administrative staff is based in Luxembourg, while the monthly plenary sessions meet in the Council of Europe's chamber in Strasbourg. The cost to the European Parliament of shuttling between these three cities is over ECU 35mn.* a year. But perhaps even more important are the wasted time and energy and the unfavourable effects of all this to-ing and fro-ing on Parliament's efficiency.

These effects are most evident when it comes to Parliament's ongoing relations with the EC Council of Ministers on budgetary matters and the cooperation procedure with the European Commission, both these institutions being based in Brussels.

Hence Parliament's decision to have its own chamber in Brussels, where it can hold plenary, special and additional sessions, even while continuing to hold its normal sessions in Strasbourg.

Euro-MPs reacted to the Court's decision with restraint, although they clearly were satisfied at having their right to organize their work as they deem best recognized. French reaction was equally restrained. The Minister for European Affairs, Edith Cresson, claimed France had not suffered a defeat, given that the Court had held that plenary sessions must normally be held in Strasbourg.

The bulldozers have been at work in Brussels for a long time now. Those living in the neighbourhood of the new chamber are worried that their area will undergo a sea change. Fresh litigation cannot be ruled out, therefore. But the European Parliament can now meet in Brussels if it so wishes.

* 1 ECU = UK£ 0.66 or IR£ 0.78.

A PEOPLE'S EUROPE: A Community-wide system of disaster relief

The European Commission's latest proposals.

To enable the Twelve to join forces to fight against natural calamities and large-scale man-made disasters, without technical or linguistic handicaps, the European Commission has proposed they provide themselves with an alarm system and common or compatible methods of communication.

The Commission in fact has suggested that the Twelve harmonize the terms used by civilian rescue organizations and prepare a multilingual European terminology. It also envisages the inter-linking of data banks in this area; the Commission intends, in fact, to see how this can be achieved. It also advocates the use of modern telecommunication techniques, including satellites.

The introduction of a single number for use in emergencies anywhere in the Community, which is already under study by the national telecommunications authorities, would be a step in the same direction. The Commission hopes that this number will be in use throughout the Community by 1992.

The Commission has also proposed a European logo for civilian relief organizations and an information campaign, to be launched in 1990.

INTERNAL MARKET: Fewer veterinary checks at borders!

A ruling by the Community's judges and Commission proposals.

Veterinary checks at the European Community's internal borders can be substantially reduced, pending the harmonization of national standards regarding the quality of meat. The European Court of Justice has recently indicated the limits of what is in conformity with Community legislation, while the European Commission has published proposals at the end of August which provide for health controls to be carried out elsewhere than at the border.

Once the single market has been completed, it will be possible to ship meat from one end of the Community to the other without meeting obstacles. The authorities of each Member State will need, therefore, to have full confidence in the checks made by the others.

At present border controls are a reality. The German practice of systematically opening every refrigerator lorry carrying Dutch poultry gave rise to complaints this August. This led the European Commission to express doubts as to the effectiveness of such controls. It held that to be reliable, checks must be made at destination. The discovery inside the Community of veal which had been treated with hormones launched the debate on frontier controls.

The Community Court of Justice ruled in favour of a Dutch poultry exporter on September 20, in a case involving the authorities of a German frontier district. The Court held that the systematic checks on poultry, made at the frontier by a veterinary surgeon, were contrary to Community regulations. However, customs officials could systematically check the documents accompanying shipments of meat.

The European Commission, for its part, takes the view that the situation can be improved without waiting for the harmonization of health standards in the 12-nation Community. It has proposed to Member States that veterinary controls be reinforced at the point of shipment and that the checks required by the importing Member State be carried out at destination. Border controls would be justified only when grave irregularities were suspected.

The Commission has proposed at the same time that controls be reinforced at stages prior to export, from production to sale. These two regulations should come into force on 1 April 1989, provided they are adopted by the EC Council of Ministers in time.

RESEARCH: Traditional industries in an age of high technology

The BRITE programme as seen by independent experts.

Numerous industrial companies throughout the 12-nation European Community have embarked on the new technologies, thanks to the Community's research programme, BRITE*. But the programme could be made even more effective with a few changes, including a stronger marketing approach, according to the report submitted end September by an evaluation panel of independent experts set up by the European Commission.

BRITE was launched by the Commission in 1985, in order to enable European companies in the traditional sectors of industry to invest in the modern technologies to which they might not otherwise have access. As in the case of other Community research programmes, BRITE projects receive Community funds for up to 50% of the cost, the balance being met by the participants themselves - industrial companies, universities and research institutes. Projects must have partners from at least two EC countries to qualify for Community aid, with preference being given to projects with more than one industrial partner.

More than 215 projects, involving a total expenditure of ECU 350mn.**, have been selected so far. Two-thirds of the budget has gone to industry. Even so, the experts regretted that 80% of the applications had to be rejected because of a lack of funds. The European Commission in fact has asked the Twelve for a much higher level of funding for the programme's next phase, currently under discussion.

The experts noted that some 80% of the projects were making real progress and that the majority of industrial participants expected commercial benefits within five years. Moreover, more than 85% of project managers reported that the work would not have been undertaken without BRITE.

The smaller EC countries have benefitted more, relatively speaking. BRITE has enabled small and medium-sized companies to modernize themselves. These companies represent 36% of BRITE's industrial participants.

According to the experts, BRITE could prove even more fruitful if greater emphasis were put on marketing needs and an overlap with other Community programmes was avoided.

* BRITE = Basic Research in Industrial Technologies

** 1 ECU = UK£ 0.66 or IR£ 0.78

CONSUMERS: European rules for credit cards

The European Commission's recommendations to banks.

The European Commission wants banks issuing cash and credit cards to adopt a precise set of rules, so that there are no disagreeable surprises for users, especially in the event of loss or theft of cards. It has given the banks a year to adopt a non-binding code of conduct. If the Commission then finds that its recommendations have been ignored, it will re-examine the situation, with a view to proposing a binding Community directive.

At present the loss, theft and fraudulent use of cash and credit cards are dealt with in a variety of ways, depending on the card and the country in which it was issued. In some EC countries users are well protected, in others hardly or not at all. Only Denmark has specific legislation regarding payment cards. The others apply normal contract law and it is the basis of the contracts the banks propose to their customers.

Such diversity hardly favours the development of European payments systems which allow customers to carry out a wide range of operations in EC countries other than the one in which the card was issued. Hence the European Commission's decision to propose to the banks a code of conduct regarding customers, after having drawn their attention earlier to the technical conditions of a common market for credit cards.

This text requires the banks to establish in writing detailed general conditions; to accept that the burden of proof rests with them in the event of a dispute with the card holder and to accept responsibility for the consequences of a malfunctioning of cards issued by them. The European Commission is also asking the banks to introduce a 24-hour notification service, so that card holders can report losses at once.

The Commission has also asked manufacturers of automatic cash dispensers and electronic bank counters to see to it that customers receive fairly detailed statements of account and to ensure that the machines keep a record of all their operations. As for credit card holders, they are held liable for the loss or theft of their cards until such time as they have notified their bank. There is a ceiling of ECU 150*, however, except in cases of gross carelessness or fraud.

* 1 ECU = UK£ 0.66 or IR£ 0.78

INTERNAL MARKET: No company "removals" for tax purposes

The EC Court of Justice backs the U.K. Treasury against "The Daily Mail".

A company established in one European Community country cannot move its registered offices to another, even while retaining its status as a company and all its activities in its country of origin, regardless of the relevant national legislation. Hence the ruling of the EC Court of Justice that the company which publishes "The Daily Mail" in Britain does not have the right to transfer its registered offices to the Netherlands without first obtaining the Treasury's permission, as required under U.K. law.

The company in question had intended to sell and then buy back its own shares, thus passing from the jurisdiction of the U.K. tax authorities to that of the more liberal Dutch authorities. The British company had decided to open managerial offices in the Netherlands and envisaged holding board meetings there.

For the rest, the Daily Mail group would have remained as "British" as ever. The company, which had taken the Treasury to court in Britain, has now been told by the European Court of Justice that its projects are in no way covered by the freedom of movement and right of establishment guaranteed by the Community's regulations.

BRIEFLY . . .

THE CHARTER OF EUROPEAN UNIVERSITIES: In the context of the celebrations marking the foundation of the University of Bologna, Europe's oldest, the rectors of another 24 of the oldest European universities have adopted a "charter" setting out the principle of the University's independence from political and economic authorities and from an ideology.

This represents a genuine European cultural pact. It should open the way to a process of Europeanization of universities, under which it should be possible for a student to embark on his university studies in Paris, continue with them in London and obtain his degree at Salamanca or Heidelberg.

QUIETER MOTORCYCLES: Silence is golden and motorcycles in the European Community will have to respect this maxim more effectively from 1 October 1989. The European Parliament has just approved, with minor changes, a proposal from the European Commission.

The changes are aimed at reinforcing the proposal and specifying the limits it sets out as well as the provisions regarding the materials used in the muffler and exhaust system.