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Mailed from Brussels X

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INTERNAL MARKET: A first debate on the strategic programme

The programme, aimed at improving the running of the single market, has been well received by the Twelve.

Of the 282 measures which the European Commission proposed to the Council in the framework of its White Paper on completing the single market, 266 have been adopted. The record is less striking when it comes to the transposition of these measures into national law: only 119 out of 231 measures have been transposed in all 12 Member States. If this process has been completed as regards excise duties, VAT and the free movement of capital, it faces considerable delays as regards public procurement, insurance, intellectual property, the new technologies and company law. In the insurance sector, for example, there are delays in various Member States in the transposition of seven of the nine texts aimed at ensuring a border-free market. In the intellectual property sector the transposition rate is only 64%, while just 73% of the rules regarding company law have been transposed.

The most assiduous pupil in the European Union is Denmark, which has transposed 210 measures. It is followed by Britain (200) and Portugal (198). The laggards include France (185), Ireland (183) and Germany (182). Bottom of the class is Greece (179).

With a view to bridging the gaps and helping Member States speed up transposition, the European Commission presented them last December with a strategic programme containing a series of measures aimed at improving the management and operation of the single market. The programme was the subject of an

initial discussion in the EU Council of Ministers on March 10. The Commission's proposals, which seek to increase administrative cooperation, ensure more effective management in case of emergency (contamination of foodstuffs by radioactivity and veterinary controls, for example), and provide greater transparency of Community law, were well received by the Twelve. The latter were divided, however, as regards the proposals for handling the mutual recognition of national rules and the procedure for the exchange of information on national measures which are a derogation from the principle of the free movement of goods within the Community. These proposals will have to be studied in greater detail during a future meeting of the Council of Ministers.

After their discussion on the strategic programme, the Twelve adopted a directive dealing with the equipment and protective systems designed to be used in explosive atmospheres. The new "law" lays down the safety standards for all protective equipment and systems which are used in mines, the chemical and oil industries and the industrial treatment of wood.

The Commission, for its part, announced that it would present a "global strategy" to improve the safety of motor coaches before the end of the year. This action plan would cover seat belts, vehicle stability (mechanisms to prevent coaches from overturning), crush-resistant bodies, particularly roofs, the use of inflammable materials in coach building and safer seats.

NIGHT WORK: Equality of treatment for men and women

The European Commission is asking five Member States to modify national legislation banning women from the night shift.

Women must have access to jobs and the same working conditions as men. This principle of the equality of treatment for men and women was enshrined in a European directive adopted in 1976. The fact remains, however, that in five European Union countries - Belgium, France, Greece, Italy and Portugal - women are still banned from working at night. The European Commission chose March 8 - World Women's Day - to launch infringement proceedings against these five Member States.

It all began with the European Communities' Court of Justice in Luxembourg. In the Stoeckel case in 1991 the court clarified and interpreted Article 5 of the directive on equality of treatment for men and women at work; it held that "it was necessary to guarantee men and women the same working conditions, without discrimination based on sex". In other words, there could be no question of banning women from night work if it was authorized for men. Since then the Commission has tried unsuccessfully several times to convince the five countries in question that they must modify their national laws with a view to ending this discrimination. The five have put forward a number of arguments in favour of the ban, claiming that night work is too dangerous for women and that it represents a threat to family life.

Pádraig Flynn, the European social affairs commissioner, has pointed out that the Commission "is well aware of the disadvantages of night work and that it wants to promote, at the European level, legislation setting out the conditions in which night work can be undertaken by men as well as by women", adding "The directive on the organization of working hours is a first step in this direction". But he has expressed the view that at "a time of high unemployment, when jobs are rare, a ban on women undertaking night work could result in their being deprived of both the opportunity to work and to benefit from wage increases and

the allowances linked to night work". The Commission's strategy in this field is to combine the increase in the level of occupation of women and the development of the means which enable them to face up to the requirements of a working life - nurseries and family holidays, for example.

Hence the Commission's decision to start infringement proceedings against the five Member States. If they refuse to comply, they run the risk of finding themselves facing the European Court of Justice.

HEALTH: The new anti-cancer programme will be anti-smoking

The number of deaths due to cancer could rise by 15% in 15 years in the absence of a global preventive strategy.

Pádraig Flynn, the European Commissioner responsible for social affairs, will be presenting shortly a proposal to launch a new programme in the fight against cancer. It will be a follow-up to the current programme, which ends this December. The Commissioner noted that deaths from cancer, which totalled some 840,000 in 1990, are on the rise. According to Mr. Flynn "the death rate from cancer could rise by 15% in the course of the next 15 years, unless a global preventive strategy is introduced". The Commissioner pointed to studies which tend to prove that 30% of all deaths due to cancer are linked to smoking. According to World Health Organization (WHO) studies, 450,000 people die each year in the European Union from cancer or a cardiovascular illness linked to tobacco consumption.

In the face of these alarming figures, Mr. Flynn is of the view that it is urgent to reinforce preventive actions, aimed at encouraging European citizens to adopt healthier life styles, keeping them better informed of the dangers of smoking and reducing tobacco consumption throughout the 12 Member States. This preventive element will receive priority in the new programme in the fight against cancer.

HEALTH: Is the Europe of medicinal products in danger?

The European Commission sounds a warning note.

The pharmaceutical industry in the 12-nation European Union, which employs nearly 480,000 people and has a trade surplus of ECU 4.9 billion* with the rest of the world, seems to be prospering at first sight. Eight European companies are among the 20 largest pharmaceutical companies in the world. But in 1993, for the first time in 20 years, the number of jobs fell and further layoffs are forecast for this year and the next. Between 1960 and 1980, one new medicine in two entering the world market came from the European Community; between 1986 and 1990 it was not even one in three. Faced with such alarming signs, the European Commission has alerted the Twelve in a document published in early March, because the future of both the European industry and our own, as potential patients, is at stake.

As the Commission sees it, everything is linked. The measures taken in each EU country to ensure the reimbursement of expenditure on medicines and, on occasion, to control prices, can upset the European market, which in principle is border-free. Decisions made by national governments, in order to control spending on social security, can distort the single market and threaten the health ... of the pharmaceutical industry as well as of patients.

The share of medicines in total expenditure on health varies greatly from one EU country to another. It is more than 30% in Greece and Portugal but below 10% in Ireland and the Netherlands. Generally speaking, it seems to be higher in countries in which prices, kept in check by governments, are the lowest - and vice versa. Five Member States control medicinal prices. They are Belgium, France, Greece, Portugal and Spain. Italy monitors them, while Luxembourg has a system of reference prices. The other EU countries allow prices to remain unfettered. And it is here that prices are the highest in general. The record is held by the Netherlands; here the average price is some 50% above the average for Europe and three times higher than the average for France, which is the lowest.

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If low prices encourage consumption, the European Commission nevertheless believes that doctors and patients do not take drug prices sufficiently into account when choosing them. The Commission deplores the fact that the notion of value for money, so familiar to alert consumers, has not yet entered the world of medicine.

The Commission accepts that the reimbursement of expenditure on medicines, and control over prices, are matters within the competence of national authorities. And it has no intention of meddling with such matters. However, it feels that it is necessary to monitor the effects of national measures, in order to make sure that they do not favour some manufacturers. It also believes that it is necessary to stimulate price competition in this sector. But it also stresses the fact that manufacturers must earn enough in order to invest in research, with the EU providing additional funding when necessary. Clearly it will be difficult to reconcile all points of view

* 1 ECU = UK£0.76 or UK£0.79.

SMOKING: It severely damages your health ...

... but even when this warning appears on packets, in keeping with the law, the letters are still too small and not legible enough.

Cigarette manufacturers are required, under a European "law" in force since 1992 in all Member States except the Netherlands, to inform consumers that their products are poisonous and that they can kill them. This information must appear on cigarette packets and other packaging material. Thus in addition to the general warning "tobacco seriously damages your health", which must appear on the front of the packet, another specific warning must appear on the back, in rotation, so that the public is made aware of the extent of the dangers it faces. To this end the national authorities must draw up a list of such warnings. The list must include such statements as "smoking causes cancer" and "smoking causes

... / ...

heart disease". For the rest, they can choose from among 15 warnings, ranging from "smoking causes fatal diseases" to the more striking "smoking kills", and from "smoking damages the health of those around you" to "smoking, when pregnant, harms your baby" and "every year addiction to smoking claims more victims than road accidents". These warnings must cover at least 4% of each surface in question (6% in countries with two official languages and 8% in countries with three languages) and must be legible and visible.

Thanks to this "law" there has been a substantial improvement in labelling in most Member States; but the prescribed measures remain inadequate, as the report written by the European Bureau for Action on Smoking Prevention (BASP), at the request of the European Commission, makes clear. Changes to this "law" therefore seem necessary, especially in view of the fact that in 82% of cases both the spirit and letter of the law are flouted by the tobacco industry. This is made easier by the shortcomings of the existing legislation, such as the occasionally very vague prescription criteria. Take, for example, the requirement that the warning must be printed on a contrasting background. Cigarette manufacturers achieve this contrast using such colour combinations as light gray on white, light blue on dark blue or, better still, a golden background, used by 66% of the brands. Because it reflects light readily, a golden background reduces the contrast to a minimum, and as visibility changes with the light, the lettering disappears when viewed from certain angles. And these are just some of the tricks of the trade.

The BASP report recommends that (1) a minimum of 25% of the two largest surfaces of the packet be set aside for statutory warnings, and at least 50% of the sides for information regarding the composition of the product; (2) the warnings be printed at the top of the packet in black, on a white background, and with a black border; (3) the list of warning messages be renewed regularly and that the references regarding the harmful substances contained in tobacco, or in the smoke, such as carbon monoxide, be clearly indicated.

TELEVISION WITHOUT FRONTIERS: 66% of broadcasters meet the quotas

Two thirds of television companies broadcast the required proportion of European programmes, according to a first, encouraging assessment by the Commission.

The "Television without frontiers" directive came into force on 3 October 1991. Its aim is to guarantee the free movement of television programmes throughout all the Member States. But it has another objective, one which is both economic and cultural: this is the promotion of European audiovisual works. To this end the directive stipulates that the Member States must see to it, "each time that it is feasible", that the television companies which come within the jurisdiction reserve a major proportion of their time to the broadcasting of European works. These are the famous "quotas for European programmes". In concrete terms, it is a question of requiring broadcasters to set aside a part of their broadcasting time for films, documentaries and other programmes made in Europe.

In keeping with this directive, the Member States have forwarded to the Commission reports on the implementation of these quotas, on the basis of which the latter has just carried out its first analysis of the situation. The results have been regarded as encouraging on the whole by the European Commissioner responsible for audiovisual policy, João de Deus Pinheiro. Of the 150 channels listed in the reports of the Member States, 70 have broadcast a majority of European programmes - i.e. 66.6%. All the broadcasters listed in the reports submitted by Portugal, Ireland, Denmark and the Netherlands have programmed at least 51% of European works. In Britain and France all land-based, but not satellite or cable, television companies have met the quotas. In the other Member States the situation has varied from one broadcaster to another.

From this analysis it is clear that, in general, where quotas have not yet been met, the proportion of European programmes is nevertheless on the increase. But it has not been possible either fully to draw conclusions as regards the real economic impact of the quotas or to establish a reliable comparison between the Member States, given that the reference periods and calculations have not been made on the basis of a common technology. Consequently, the Commission does not rule out the possibility of revising the directive and its quota provisions. But it has let it be known that it would await the results of a global evaluation of the directive which must be presented by 3 October 1994. The Commission meanwhile has no plans to launch proceedings against the Member States in which quotas have not been met.