



European law: an everyday reality

by Gil Carlos Rodríguez Iglesias,
President of the Court of Justice of the European Communities

The Treaties setting up the European Union have entrusted the Court of Justice with the task of ensuring respect for Community law and exercising the jurisdictional competences attributed to it. In addition to its constitutional functions in the resolution of conflicts of competence between Member States and Community institutions, the Court has the task of monitoring the legality of the actions of these institutions and of Member States in the context of the Community as such. Its major role in the interpretation of the body of Community law allows it, with the help of the Court of First Instance and that of the courts in the Member States, to maintain the uniqueness of implementation.

The stakes are considerable

The Court's legitimacy rests on the recognition and acceptance of its mission by the Member States and the people of the European Union. Consequently, the basic principles of European law which it has defined, which range from the direct applicability of Community measures to their primacy, and include the responsibility of Member States for the damages to individuals resulting from violations of Community law, have enabled this law to become part and parcel of the daily life of EU citizens.

The development of EU case-law shows just how much the Court has contributed to ensuring that the demands of European law take into account the preoccupations of EU citizens.

The constant increase in the number of cases dealt with by the Court of Justice and the Court of First Instance (768 cases were concluded in 1998) testifies to the efforts made to tackle the progressive increase in the workload of the two courts (in 1998, 485 cases were submitted to the Court itself and 238 to the Court of First Instance).

In quantitative terms, the impact of certain of the Court's rulings illustrates the importance of the issues it is called on to resolve. They include matters of implementation and interpretation of Community law in areas both of direct concern to EU citizens in their daily lives and of considerable economic and financial importance, covering as they do questions of competition, State aid and public procurement.

A constant increase in the Court's activities

The procedures for the submission of a case before the Court say a great deal about the place which Community law occupies in the everyday work of the courts in the Member States and, consequently, the importance of its implementation for EU citizens. Thus, the number of referrals to the Court for preliminary rulings rose by some 10 % in 1998 as compared with the previous year, and accounted for more than half the new cases (264 out of 485). Through the judge in the Member State, who is first in line in the implementation of Community law, the EU citizen gets a reply which is directly related to the handling of his or her case.

With the coming into force of the third stage of economic and monetary union (EMU), and of the Amsterdam Treaty on 1 May of this year, the provisions of certain conventions established in the framework of the third pillar of the European Union (justice and home affairs) will involve a considerable increase in the number of cases which will be submitted to the Court of Justice and the Court of First Instance, given their wide-ranging jurisdictional competence.

DECISIONS

■ Easier recognition of qualifications

Those active in commerce, industry and the craft industry, workers, the self-employed and company managers, will soon find it easier to have their qualifications recognised in an EU country other than the one in which they earned them. Thanks to a directive adopted by the EU (1) on 11 May, within two years at most they will be able to ask for such recognition, even if they lack the experience required under current EU rules. The directive will apply to numerous sectors, including catering, textiles and clothing, and the cinema. It will make it possible to compare the knowledge and abilities acquired in one Member State with those required by the Member State in which the person in question would like to settle. Should his or her qualifications appear inadequate, the authorities in the host country will offer a choice between a period of adaptation and an aptitude test. Should the applicant wish to exercise an activity which requires a knowledge and an application of specific national rules, it is the authorities in question that will choose.

■ A two-year guarantee

By 1 January 2002 at the latest, all EU Member States will have to introduce a minimum legal two-year guarantee for all consumer goods bought in the EU, under the terms of a European directive, adopted by the EU Council of Ministers (1) on 17 May. At present, the period of validity of such guarantees is strictly limited in certain EU countries — to six months, for example, in Austria, Germany, Greece, Portugal and Spain. Under the new directive, a person who has bought a defective article has the right to have it replaced or repaired, free of charge. If the cost to the seller is disproportionate in relation to the price of the article, the buyer can ask for a price reduction or for the sale to be cancelled. It would be up to the seller to prove, within six months of the sale, that the article in question was not defective; beyond this period, it would be up to the buyer to prove that it was. EU Member States will be able to stipulate, through their own laws, that the seller must be notified of any defects within two months of the discovery of the defect, failing which the buyer would lose his rights.

■ Strengthening the fight against fraud

The new Fraud Prevention Office, which came into existence on 1 June, has replaced the Task Force for the Coordination of Fraud Prevention, set up within the European Commission. The decision to establish the new office was taken by the Commission on 28 April. The EU Council of Ministers adopted on 25 May the legal instruments for which it is responsible, and, in particular, the regulations on the investigations to be conducted by the office. On the same day, the Council, the Commission and the European Parliament signed an agreement on the investigations the office can carry out within these institutions. Such investigations, as well as those within Member States, can be conducted by the office on its own initiative; it is totally independent of instructions from any party. It can also launch an investigation at the request of a Community institution, organ or Member State. The office works with chartered accountants, who have access to all the information they need and collaborate directly with the legal authorities. It has the task of combating all illegal activities which are damaging to the EU's financial interests, and of drawing up legislative proposals in this field.

■ Procurement exemptions for telecoms

With the liberalisation of the telecommunications market since 1 January 1998, public procurement contracts entered into by telecommunications companies are no longer subject to EU legislation on public procurement. As a result, they will no longer have

to publish their tenders. This exemption covers most Member States as well as most telecommunications services. A list of these services was drawn up by the European Commission on 12 May, and is available, updated, on the Internet (<http://simap.eu.int>). Public fixed telephony services are exempted in all EU countries except Greece, Luxembourg and Portugal, public mobile telephony services in all countries except Luxembourg, and satellite services in all countries except Greece and Luxembourg. The transmission of data and value added services, such as telephone cards, Internet and call-back connections are exempt in all Member States except Greece and Portugal.

■ Ensuring the quality of euro coins

In order to ensure the quality and interchangeability of euro coins throughout the 11-nation euro area, the EU Council confirmed on 10 May an arrangement with the European Central Bank on a quality control system. The Council also welcomed the European Commission's call to the Fifteen not to confuse the general public. The Commission has recommended that Member States do not issue euro-denominated collector coins, nor coins with dual denomination in euro and a national currency unit before 1 January 2002, when genuine euro coins will be put into circulation. Member States are also asked to prevent the production or sale, before that date, of coins, medals and tokens which resemble the euro.

■ Schengen, Amsterdam, Iceland, Norway

In accordance with the Amsterdam Treaty, in force since 1 May, the EU Council adopted on 20 May two decisions which provide for the Schengen Convention *acquis* to be integrated into the EU's legal framework. The first of them defines the provisions to be integrated, while the second sets out the legal bases for each of them, in order to determine the system to which they will be subject in the EU framework — whether, for example, a majority vote or unanimity in the Council of Ministers. The Schengen Convention was introduced in the 1980s in order to accelerate the elimination of checks at the borders between certain EU Member States. At the time of its integration into the EU, it involved all EU countries, with the exception of the United Kingdom and Ireland, and two non-EU countries: Norway and Iceland. An agreement between these two countries and the EU, signed on 18 May, associated them with the Schengen *acquis* and its future development. Norway and Iceland have been members of the Nordic Passport Union since 1957, along with three EU Member States: Denmark, Finland and Sweden.

■ Protecting corporate names

National regulations can ban the use of a corporate name by a company if it can be confused with another, even if the ban impedes the right of establishment of the company in question on the European market, by ultimately limiting its sales. This, in substance, is the ruling handed down by the European Court of Justice on 11 May, in a case brought by the firm Pfeiffer, which runs a supermarket in Pasching, Austria, against the firm Löwa, the Austrian subsidiary of the German firm Tengelmann. Pfeiffer has called its supermarket 'Plus Kauf Park' since 1969. Löwa, for its part, has 139 similar outlets in Austria, while Tengelmann owns the name 'Plus', which it uses in Germany, Spain and Italy, as well as in Hungary and the Czech Republic. Löwa began to call some of its Austrian shops 'Plus' in 1994, whereupon Pfeiffer asked the court dealing with trade disputes in Vienna to stop the former from using the name, under the Austrian law on unfair competition. Given the implications of the case at the level of the European single market, the court in Vienna turned first to the European Court of Justice. The latter held that the protection of a corporate name from the risk of confusion, as guaranteed by the Austrian law on unfair competition, would become meaningless if the law in question could not be enforced in the name of EU rules. Hence the protection of industrial and commercial patent rights took precedence over the freedom of establishment in the EU.

(1) By the EU Council of Ministers, in agreement with the European Parliament.

THE EUROPEAN UNION AND WORLD TRADE (I)

According to a song, money makes the world go round. So it does. But even more so in this era of a borderless economy, global wealth and democratic security are increasingly dependent on international commerce and investment.

Trade policy might appear a complex, technical area fit only for experts, but in reality it is a branch of economic policy, which itself is ultimately about growth, prosperity and jobs. And it is that prosperity which enables governments to meet the legitimate concerns of their electorates for better education, health and other demands on limited public resources.

It is for that reason that the European Union, already the most open trading bloc in the world, has taken the lead in abolishing its own internal frontiers and in encouraging interdependence among its members. It attaches similar importance to the removal of barriers to the free movement of goods, services and capital with the rest of the world. This global challenge leads the EU to play its prominent role as a key participant in the World Trade Organisation (WTO) which works to consolidate the progress achieved in previous international trade negotiations as well as to prepare for the next set of agreements.

Trade: a boost for the economy

To maximise their influence on the international scene, the 15 EU Member States, which represent just 6% of the world population but one fifth of global trade, negotiate as one with their commercial partners. For many years now, that role has been carried out by the European Commission on the basis of specific mandates agreed by Union governments. By speaking with one voice, the Union can also provide the rest of the world with the assurance that the rules of the game will be respected on our side.

Trade and foreign direct investment are essential ingredients in the economic health of a country, whatever its stage of development. The volume of world trade today, thanks to the continuous removal of import and export barriers, is now considerably greater than it was almost 50 years ago. Between 1985 and 1996, the ratio of trade to world gross domestic product (GDP) rose three times faster than in the preceding decade and nearly twice as fast as in the 1960s.

In addition, the sheer volume of foreign direct investment has mushroomed in the past 25 years from EUR 23 billion annually to EUR 275 billion and almost 60% of the sums involved are today directed towards service activities.

Within the European Union, trade is the equivalent of 18% of the 15 Member States' GDP. And while it is difficult to establish a direct correlation between trade and jobs, there is evidence to suggest that when the EU's share of world trade grows, unemployment in the Union tends to fall.

In addition, while more open markets may not create more jobs, evidence shows that trade does sustain better, more productive and higher-paying ones. It is true that industrialised countries are now importing more textiles, wood products, plastics and light consumer products such as toys from emerging economies. But at the same time their exports of high value added and high-skill manufactures such as chemicals, aircraft, cars and machinery, as well as major services, to these very same countries are growing even faster than those imports. The EU is taking these changes into account in its key employment and social policies to help smooth any transition difficulties.

The World Trade Organisation

Although the WTO only came into existence in the mid-1990s, the multilateral trading system on which it is based is considerably older and eight separate rounds of international negotiations under the General Agreement on Tariffs and Trade (GATT) have progressively abolished tariffs and other trade barriers over the past 50 years.

The European Union played a major role during the eight years of negotiations, which eventually led to the establishment on 1 January 1995 of the WTO. The new body closely reflects the Union's own view that multilateral rules, agreed by consensus, which encourage and guarantee the liberalisation of international trade are one of the best ways of promoting individual countries' economic development and prosperity.

With most countries of the world as members, the WTO is the only international body policing the trade in goods, services and intellectual property rights between countries. While these are negotiated by governments, their aim is to ensure an understandable and reliable framework so that importers and exporters worldwide and companies providing goods and services can operate in the certainty that there will be no sudden and unpredictable changes in policy.

For the WTO's international rules to be really effective and to prevent them being undermined, they need to apply to as many participants as possible. As a result, the Union is keen to encourage countries to join — and is actively helping major international players such as China

and Russia to prepare for WTO entry — provided they meet the basic membership requirements. These include the existence of a liberal trade and investment regime with market access commitments, liberalisation of the services sector, protection of intellectual property rights, harmonisation of standards and certification systems, and efficient customs procedures at national borders.

Settlement of trade disputes

There is little point in having international rules if there is no procedure for settling disputes which might arise. One of the key features of the WTO is that it operates an effective dispute settlement system. This can be triggered by any government which believes that the rules are being broken.

The Union is a strong supporter of this multilateral mechanism to deal with perceived violations instead of allowing governments to resort to unilateral action. During negotiations on the WTO, the European Union worked hard to ensure that the system would cover all disputes under any agreement in the WTO framework, that its use would be compulsory and that no single country on its own could prevent an allegation being investigated.

Where possible, disputes are settled 'out of court'. About a quarter of all cases are successfully handled in this way, underlining the deterrent value of the new WTO mechanism. If, however, this fails, a panel of experts is established to examine the facts of the case and a ruling may emerge within a year.

Since the WTO was created, the European Union has gradually tended to bring more cases than it is called on to defend. In 1995, it was a complainant on three occasions and a defendant in 10. In 1997, it introduced 21 cases and defended 13.

Cases brought by the EU are often of major economic significance. It is estimated that a settlement reached with India over import restrictions could mean a potential increase in Union exports to the country of up to EUR 1 billion annually. Similarly, the EU has challenged the United States' tax treatment for foreign corporations which it believes gives its American competitors an unfair annual export subsidy of up to EUR 2 billion. Equally, as the world's largest producer and exporter of spirits, the Union has used the WTO disputes system to challenge discriminatory taxes on alcoholic drinks introduced by Chile and Korea.

Towards a new global round of trade negotiations

While implementation of the Uruguay Round trade agreement is now a matter of course for WTO members, thoughts are already turning to the next round of liberalisation talks. Under the WTO's agreed work programme,

negotiations on agriculture and services must begin by 1 January 2000.

The European Commission, with the full support of EU governments, would like to go considerably further and see WTO members undertake a more ambitious set of negotiations. The Commission's Vice-President, Sir Leon Brittan, has already dubbed it the 'New Millennium Round'.

The logic of examining a package of issues, rather than concentrating solely on one or two clearly defined subjects, is that a comprehensive approach can often open up more easily different avenues towards an agreement when one route is blocked than purely regional or sectoral negotiations. There is also strong evidence that global negotiations can bring gains for all participants, giving the lie to the suggestion that trade is a zero-sum game in which there are only winners and losers.

In addition, a number of new issues have now come onto the international agenda and the Union believes these should be addressed by WTO members sooner rather than later.

As a result, the EU is maintaining that the next round of negotiations should include, not just the built-in agenda of agriculture and services and traditional aspects of liberalisation such as industrial tariffs, but also public procurement and investment and the complex relationships between trade, competition and the environment.

In an atmosphere in which the role of the WTO is increasingly under scrutiny, we must ensure that the interests of civil society are adequately reflected in our present and future work. The EU believes that one of the strategic challenges is winning the support of ordinary citizens, in an increasingly democratic world, for the open trading system.

It is clear that the successful launch and conduct of a future round will depend not simply on identifying the issues around which a consensus to negotiate can be built. It will also, in part, depend on how the WTO remains, and is seen to remain, relevant for society at large, against a background of growing concerns about the effect of economic globalisation. These are not matters for negotiation but loom large in the background, and include issues such as the EU's relations with non-governmental organisations, the question of coherence in international economic policy-making, the relationship between trade and sustainable development, and the need for continued cooperation between the WTO and the International Labour Organisation on relevant trade and labour issues ⁽¹⁾.

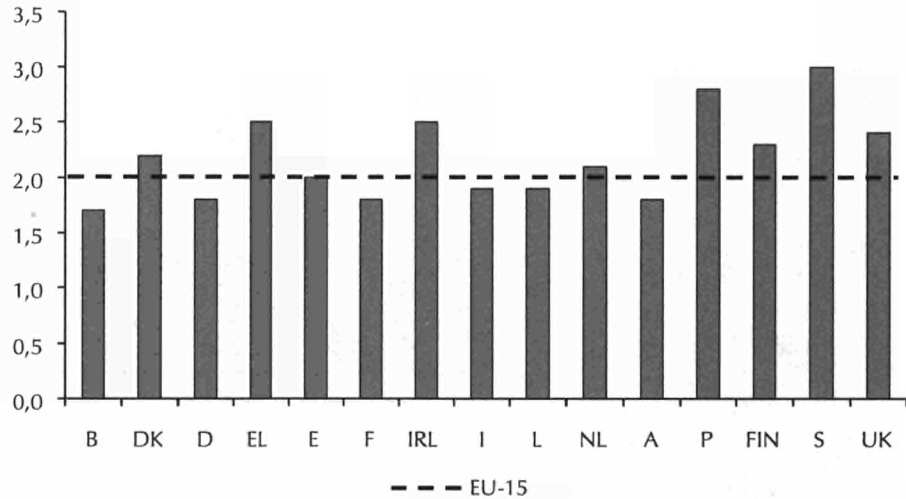
⁽¹⁾ The second part of this article will appear in a subsequent issue.

Telecommunications services in Europe A dramatic rise of mobile telephony

Telecommunications turnover in 1996 as a percentage of GDP

Telecommunication services have been expanding very rapidly with the growth in mobile telephony, data transmission and the Internet fuelling demand

Over the period 1990-95 turnover grew steadily. The growth rate was higher than that of GDP implying a growing share of telecommunications in the national economies. The upward trend continued in 1996 but slowing down. As a percentage of GDP, the turnover from telecommunications varies from 1,7% in Belgium to 3% in Sweden.



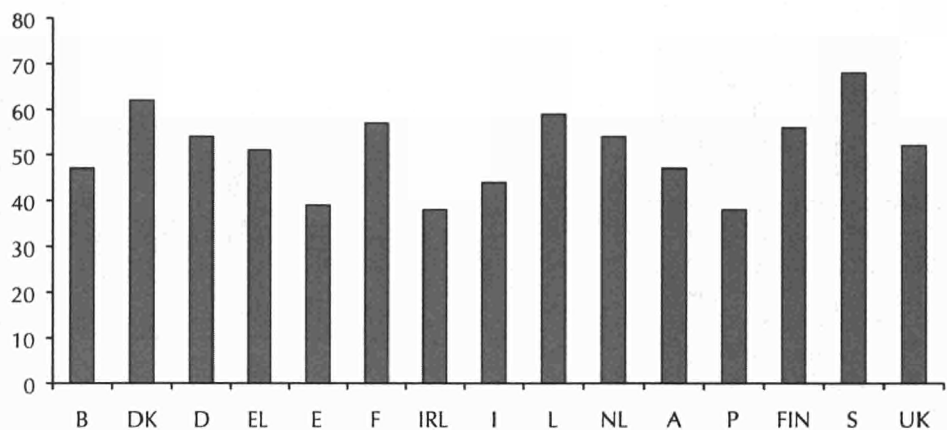
Turnover of telecommunication enterprises (%)

	B	DK	D	EL	E	F	IRL	I	L	NL	A	P	FIN	S	UK	EU-15
1990/1995	9,3	7,7	12,3	16,1	6,6	6,5	4,2	1,8	8,7	9,6	8,2	9,3	2,5	6,3	2,8	6,9
1995/1996	7,0	23,1	-6,4	15,4	5,0	5,6	15,5	18,5	8,4	2,8	-4,1	23,1	12,2	11,8	6,4	4,8
1996/GDP	1,7	2,2	1,8	2,5	2,0	1,8	2,5	1,9	1,9	2,1	1,8	2,8	2,3	3,0	2,4	2,0

The number of main telephone lines per 100 inhabitants varied in 1996 from 38 (Ireland and Portugal) to 68 (Sweden)

Looking at the numbers of subscribers to the various networks it would seem that the growth is clearly more rapid in the countries with lower density of fixed telephone lines. Saturation of the market seems to be close in the countries with high density of main lines especially where mobile networks are developing rapidly.

Number of main telephone lines per 100 inhabitants – 1996



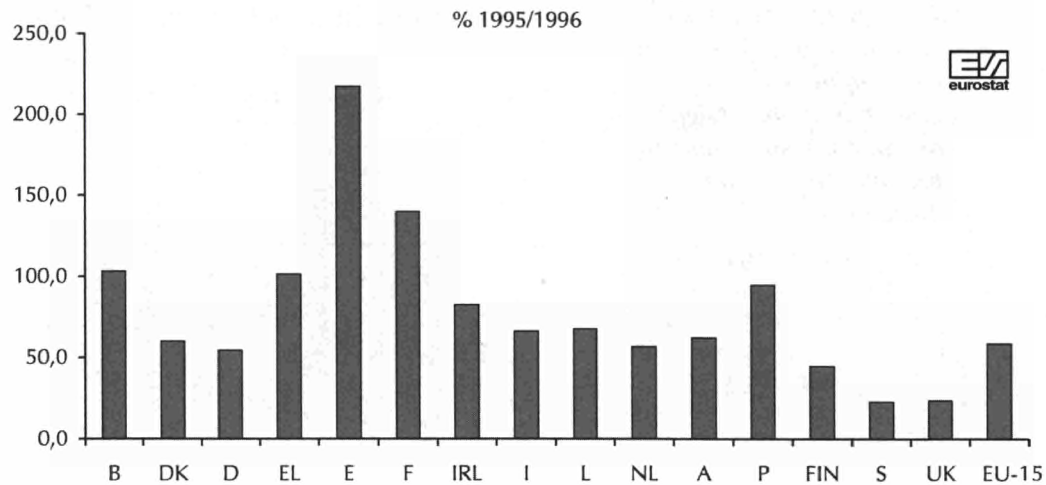
Subscribers to main telephone lines – 1996

	B	DK	D	EL	E	F	IRL	I	L	NL	A	P	FIN	S	UK	EU-15
Lines (in Mio)	4,72	3,25	44,10	5,33	15,41	33,00	1,39	25,26	0,24	8,43	3,78	3,72	2,84	6,03	30,68	188,20
% 1995/1996	2,0	1,5	5,0	3,2	2,1	1,9	6,1	1,7	5,9	3,8	0,8	3,9	1,1	0,3	4,3	3,1
Lines/100 inhabitants	47	62	54	51	39	57	38	44	59	54	47	38	56	68	52	50

In 1996 there were over 33 million subscriber lines to cellular mobile telephone systems in the EU. Since 1990 the number of subscribers has risen by nearly 1000 %

The dramatic rise of cellular mobile telephone systems in the EU continued in 1996 with an increase of nearly 59%. The highest growths in 1996 were recorded in Spain (218%), Belgium (103%) and Greece (102%), reflecting the low starting level and implying that the differences in densities will in future get smaller.

Cellular mobile telephone systems subscriber lines – Growth rate 1995/96



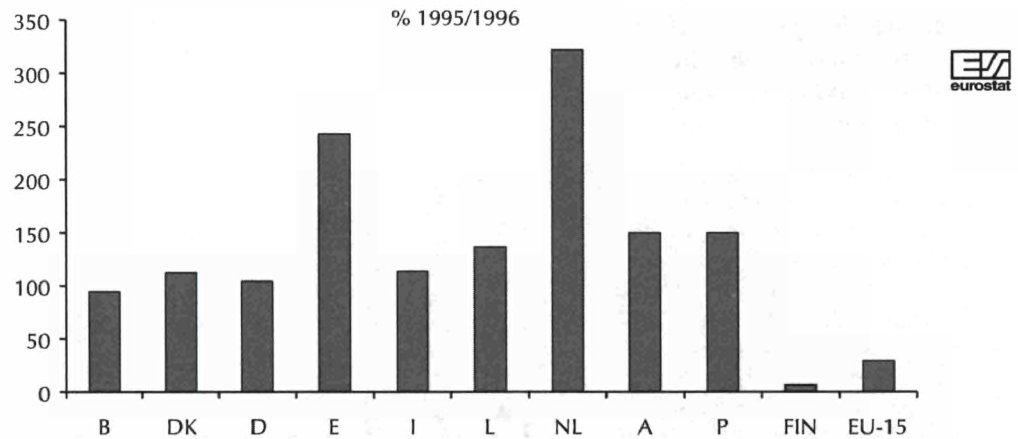
Cellular mobile telephone systems subscriber lines

	B	DK	D	EL	E	F	IRL	I	L	NL	A	P	FIN	S	UK	EU-15
Thousand lines	478	1 317	5 790	550	2 997	2 463	289	6 422	45	804	563	664	1 502	2 492	7 109	33 484
% 1995/1996	103,3	60,1	54,4	101,5	217,5	140,5	82,7	66,2	67,7	56,7	62,2	94,7	44,5	23,1	23,9	58,7
Lines/100 inhabitants	5	25	7	5	8	4	8	11	11	5	7	7	29	28	12	9

The number of ISDN¹ lines is growing rapidly everywhere, reflecting the user's demand for faster data communication

The development is leading to a more even level of density of networks across Europe. The number of ISDN subscriber lines continued to rise dramatically in 1996 by more than 100%. The highest growths in 1996 were recorded in the Netherlands (+322%) and Spain (+243%). Germany counts with the clearly highest number and density of ISDN lines

ISDN subscriber lines - Growth rates 1995/96



ISDN¹ subscriber lines – 1996

	B	DK	D	EL	E	F ²	IRL	I	L	NL	A	P	FIN	S ²	UK ²	EU-15
Thousand lines	55	30	1 964	0,5	96	1 278	0	105	4	100	42	20	27	19	260	3 500
% 1995/1996	94	112	104	:	243	:	:	113	136	322	150	150	7	:	:	29
Lines/100 inhabitants	0,5	0,6	2,4	0,0	0,2	0,7	0,0	0,2	0,9	0,6	0,5	0,2	0,5	0,6	1,1	9,0

¹ ISDN = Integrated Services Digital Network.

² F, S, and UK: 1995.

□ IN BRIEF

When setting the **standard rate of VAT**, all EU Member States will have to respect the present minimum rate of 15 % until 31 December 2000, under the terms of a directive adopted by the EU Council on 25 May. At the same time the ministers who form the Council declared, as representatives of the 15 Member States, that they would endeavour to avoid, until 31 December 2000, a widening of the present 10 % difference between the lowest and highest national standard rates.

EU rules on the **equality of treatment between men and women** do not prevent employers from adopting different pay scales for employees who apparently do the same work but have been trained differently. A ruling to this effect was handed down by the European Court of Justice on 11 May, in a case brought by psychotherapists who had studied psychology — women for the most part — against their employer, the regional health authorities in Vienna, Austria, on the grounds that they were paid much less than their colleagues, nearly all of them men, who had studied medicine.

A **ban on the sale of baby food** containing pesticide residues in excess of 0.01 mg/kg — residue levels below this cannot be detected by present methods of measurement — will come into force on 1 July 2002. Two existing directives, which set the maximum level at 0.04 mg/kg, were amended along these lines by the European Commission on 26 May. The new standard is already in force in Austria, Belgium, Germany and Luxembourg, and some 40 % of the baby food on sale in the EU already conforms to it.

The European Commission banned on 10 May the Europe-Asia Trades Agreement (EATA), an agreement between shipowners aimed at increasing freight rates for **sea transport by container** between northern Europe and Asia. Although its promoters ended the agreement in September 1997, the Commission wanted to clarify its position and make things easier for the agreement's victims, even while safeguarding the future — in the event that such practices reappear.

INITIATIVES

● Pensions and financial services

Supplementary pensions will play an increasingly important role in the EU, given its ageing population. These pensions, whether paid under occupational schemes, managed by the social partners, or under contracts subscribed to by individuals with life assurance companies, are dependent on investments in bonds and shares, for example. But for Europeans who move from one country to another, supplementary pensions pose problems, such as the impossibility of enjoying a tax deduction for contributions paid in another EU country. At the same time, the financial services market, which, with others, underlies these pensions, has not reached the European dimension necessary for greater efficiency. With a view to improving the situation, the European Commission presented on 11 May an action plan for the single financial market, together with suggestions regarding pensions. The two documents are available on the Internet (<http://europa.eu.int/comm/dg15>). The financial services action plan has three objectives: to introduce a single market for wholesale services, to see to it that the retail markets are accessible and reliable, and to modernise the rules for the supervision of this sector. As for supplementary pensions, the Commission takes the view that a European framework is necessary. The aim would be to allow pension funds greater freedom in their investments, facilitate the transfer from one Member State to another of the rights acquired through these funds and, finally, coordinate the tax treatment of life assurance contributions.

CHEAPER MOBILE AND FIXED TELEPHONES...

The rates charged by telephone companies for calls from fixed to mobile telephones, and vice versa, have come down sharply in most EU countries, where they were particularly high last year. These falls come on the heels of an EU-wide investigation by the European Commission, which decided, therefore, on 4 May to bring it to an end. The rates which incumbent operators of fixed networks charged mobile networks for calls from mobile to fixed telephones appeared excessive last year in four countries: Germany, Italy, the Netherlands and Spain. All traces of discrimination against mobile telephones have now disappeared; the termination rates demanded by fixed networks have fallen by some 80 % in Germany and Spain and by roughly 75 % in Italy and the Netherlands. Meanwhile, the retention rates of fixed operators on calls to mobile telephones last year exceeded levels acceptable under European criteria in eight EU countries. This year these rates had fallen by 31 or 32 % in Belgium, depending on the mobile operator, and by as much as 80 % in Italy, at the other end of the spectrum. In another four countries — the United Kingdom, Ireland, the Netherlands and Spain — retention rates fell by 55 to 65 %. In the case of the two remaining countries in question — Austria and Germany — the Commission will close its files once their operators have implemented the necessary reductions.

... AND CHEAPER ELECTRICITY

In at least 11 EU countries electricity prices have fallen since 1994, often sharply, as a result of the progressive creation of a single market, according to a European Commission report published on 6 May. There are no comparable figures for the three newest Member States — Austria, Finland and Sweden. In all the other EU countries, with the exception of the Netherlands, the prices paid by households with a minimum annual consumption of 7 500 kWh fell — for example by 6 % in Denmark, at one end of the scale, and by 60 % in Greece, at the other end, between 1994 and 1998. In the case of industrial consumers with a minimum annual consumption of 10 GWh, the fall in prices ranged from 0.4 % in Belgium to 21 % in Portugal. It was only in Denmark that prices did not come down. An EU directive introduced a certain measure of competition into the electricity market on 19 February, but most Member States anticipated this liberalisation.

● Ensuring that justice remains effective

In view of the increase, both current and foreseeable, in the number of cases coming before the European Court of Justice and the Court of First Instance^(?), the Court's President, Gil Carlos Rodríguez Iglesias, submitted a number of proposals to the EU Council of Ministers on 28 May. The aim is to modify existing procedures so that urgent cases can be handled in a simpler and speedier fashion. The Court is also asking that it be allowed to modify its procedural regulation itself, in order to be able to adapt it to changes in the cases coming before it. The Court is proposing, in parallel, a mechanism designed to ensure that the incidence of professional litigation brought by EU officials does not delay its work as a whole. The Court also envisages a method for screening the questions posed by national courts, and a decentralisation which would make it possible to

(?) See also page 1.

handle certain cases in the Member States in question. This last category of modifications would be part of the next reform of the EU Treaties.

□ IN BRIEF

Do you want to find out about the **Amsterdam Treaty**, which came into force on 1 May? All you have to do is consult the Internet site which the European Commission set up on 29 April (<http://europa.eu.int/abc/obj/amst/en/index.htm>). You will find the full text of the Treaty, as well as its amendments to the 'European constitution'.

Cases of **divorce, separation and annulment of marriage** which involve at least two EU countries could become less painful with better coordination between national authorities, as provided for in two proposals which the European Commission presented on 4 May. The first of them deals with the court which has competence of jurisdiction and the recognition and enforcement, throughout the EU, of judgments handed down in one Member State, particularly as regards responsibility for children. The second proposal is designed to prevent delays and confusion in the transmission of legal and other documents between Member States.

The European Commission submitted on 21 May an amended proposal for a directive on **copyright and related rights in the information society**, which takes into account most of the changes sought by the European Parliament. The aim is to ensure a balance between rightholders and consumers in the light of developments such as private digital copying. (Internet site: <http://europa.eu.int/comm/dg15>)

The European Commission submitted to the EU Council on 28 April a proposal aimed at **preventing discrimination against workers on fixed-term contracts**. The proposal embodies the agreement concluded on 18 March between employers and trade unions at European level. It also seeks to prevent employers from using successive fixed-term employment contracts in order to artificially refuse workers the advantages of permanent employment.

Ensuring greater effectiveness in the implementation of EU rules which ban **arrangements between companies and abuse of a dominant position** is the main aim of a White Paper presented by the European Commission on 28 April. The reform now proposed is designed to bring about the rigorous application of competition rules, and a decentralisation and simplification of procedures. All interested parties are invited to submit their observations to the Commission by 31 July at the latest. The document is available on the Internet (<http://europa.eu.int/comm/dg04/entente/other.htm>).

In order to facilitate the implementation of the Dublin Convention, which determines which EU Member State must handle **applications for asylum** from refugees already present in the EU, the European Commission proposed on 26 May a system for comparing fingerprints. National authorities would take the fingerprints of asylum-seekers, as well as of persons caught illegally crossing an external border of a Member State, and transmit them to a central unit.

The European Commission published on 27 May a report regarding the implementation of EU regulations authorising certain forms of **cooperation between insurance companies** with regard to EU competition rules. All interested parties are invited to forward their observations to the Commission before 27 August, in the prospect of a revision of the rules in question within four years. (Internet site: <http://europa.eu.int/comm/dg04/entente/other.htm>)

SEEN FROM ABROAD

● Prague prepares for EU membership

The Czech Government adopted on 17 May an economic programme designed to prepare the country for EU membership. Its key provisions include an increase in productivity, a social pact, regional aid, the privatisation of the banking sector and price deregulation by 2002. The Czech Republic is one of the six countries that have opened membership negotiations with the EU. The others are Cyprus, Estonia, Hungary, Poland and Slovenia.



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European Commission

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Rue de la Loi/Wetstraat 200 — B-1049 Brussels



OFFICE FOR OFFICIAL PUBLICATIONS
OF THE EUROPEAN COMMUNITIES

L-2985 Luxembourg

Catalogue number: CC-AI-99-006-EN-C