



# a newssheet for journalists

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EUROFORUM

**"EUROPEAN LAWS": Italy is still bottom of the class**

The best pupils are Britain, Denmark and Germany.

Laws are of little use unless they are implemented. But many "European laws" must be transposed by each individual Member State into its national legislation before they can be implemented normally in the country in question. This is the case as regards Community "directives", which include most of the measures taken under the 1992 programme. Unfortunately, the process of transposing directives into national legislation is going ahead slowly and with difficulty, although the situation is improving. At the end of last year 87% of all the directives which had reached their deadlines since the creation of the European Community had been transposed into national legislation.

This is one of the main findings of the 7th report on the implementation of Community law - the "Constitution" and "laws" of the 12-nation Community - published by the European Commission at the end of July. The report also points to the steady rise in the number of infringements known to the Commission. But it notes that this is not because the Member States are paying less attention to Community law; rather it is because individuals and companies are becoming increasingly aware of their rights under Community law and more vigilant in their defence. The Commission received 1,195 complaints in 1989, as compared to 1,137 the previous year. Over half these complaints originated in just three Member States: Britain (247), France (185) and Spain (184). The number of infringements detected by the Commission itself seems small in comparison - 352 last year.

Among the Twelve, Italy still holds - and by far - the record as regards the number of letters of formal notice it received from the Commission. These letters are sent to governments to draw their attention to an infringement of Community law and to ask that it be remedied. Rome received 110 such letters last year. Portugal, however, received only 26 and Denmark 34.

Italy also led the way in the number of reasoned opinions it received. This is the second stage in the infringement procedure; countries that have failed to take the necessary steps on receiving a letter of formal notice, receive a reasoned opinion after a certain period of time. Italy received 53 of them in 1989; Denmark only 4 and Portugal 5.

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Italy scored again when it came to referrals by the European Commission to the European Court of Justice in Luxembourg. It was taken to Court 35 times last year. It was followed by Belgium (14); Greece (10); France (8); Luxembourg (6); Britain, the Netherlands and Spain (5 each); Germany (4) and Ireland (2). The honours once again went to Denmark and Portugal; each was taken to Court only once last year.

As for the Directives needed to implement the 1992 programme, they have not been transposed into national law with the same haste in all 12 EC countries. At the end of June 1990, Britain, Denmark and Germany had already finished 80% of the task; France 75% and Spain, the Netherlands, Belgium and Luxembourg between 60 and 70% of it. Greece, with 55%, and Portugal at 45%, were somewhat behind the others; but this is partly due to the numerous derogations in their favour. Italy brought up the rear (40%). Even so, the Commission was hopeful that the situation would improve considerably, thanks to a special law adopted recently by the Italian Parliament. The fact is that Belgium, Greece, Spain and Portugal have made substantial progress in this area since February 1990.

On the whole the Commission is of the view that it succeeded last year in encouraging the Twelve to improve their implementation of Community legislation. It met more frequently with the national administrations in an attempt to take stock of the situation and settle problems amicably. The Commission also brought out detailed accounts of the situation in each Member State. The Commission plans to launch infringement procedures more quickly in future; in fact once the deadline has passed without the Member States taking the necessary measures.

A major problem remains, however: it is the number of Court rulings which remain a dead letter. The Commission counted as many as 82 for last year. This was somewhat less than the figure for 1988, which was 86. But the matter remains one for concern, given that in 61 cases the guilty Member State had not even begun to put matters right by the end of last year. As many as 30 of these cases concerned Italy, which was followed at some distance by Belgium (11). The other cases concerned Greece (7), Germany (6), France (4) and the Netherlands (3).

**REGIONAL AID: Five programmes in preparation for 1992 ...**

... for trans-border regions and regions whose development is lagging behind.

The European Commission approved five aid programmes at the end of July, with a view to giving a helping hand to trans-border regions and regions whose development is lagging behind in the run-up to 1992. ECU 1,700mn.\* of European Community funds have been earmarked for the five programmes for the period to 1993.

The lion's share - ECU 800mn. - has been set aside for INTERREG, the only one of the five programmes aimed at trans-border regions. It will benefit all problem regions located along the Community's internal and external borders - in practice, most trans-border regions. INTERREG will promote cooperation between the regions situated on either side of one of the Community's internal borders. It will also favour the development of small and medium-sized enterprises (SMEs), tourism, rural development, environmental protection, scientific research and vocational training. Such a comprehensive programme should ensure the integration of the regions in question into the single European market.

With a view to improving the situation of regions on the Community's periphery, the European Commission has envisaged an ECU 200mn. programme baptized REGIS, the French acronym for Isolated Regions. The regions in question include France's overseas departments, the Canary Islands, the Azores and the Madeiras. The programme aims at economic diversification and will seek to encourage cooperation with the rest of the Community as well as with neighbouring countries.

The ECU 400mn. STRIDE programme will encourage the participation in the Community's research programmes of businesses and organizations located in the regions whose development is lagging behind. It will also develop links between research and industry in these regions as well as in regions of industrial decline.

Two other initiatives were adopted, in outline form, at the end of July. They concern SMEs in regions whose development is lagging behind - broadly speaking, the southern and western areas of the 12-nation Community. The first, PRISMA, aims at helping companies meet exacting technical standards and improve their management, the second, TELEMATIQUE, will encourage SMEs to make greater use of computer-based services.

\* 1 ECU = UK£0.70 or IR£0.77

**COURT OF JUSTICE: An inalienable right to family allowances**

A family cannot be deprived of family allowances simply because it did not ask for them.

In an important ruling the Court of Justice of the European Communities has just reaffirmed the inalienable right of European workers to receive family allowances.

Mr. Kracht, a salaried employee working in Germany, lodged a complaint against the German Government after it had refused him family allowances. Mr. Kracht's wife and two children were living in Italy, where Mrs. Kracht was employed by a bank in Milan. The German authorities held that Mrs. Kracht had not asked the competent Italian authorities for the family allowances to which she was entitled. The fact is she had received family allowances from the Italian social security office until 31 December 1983, when she stopped asking for them.

At this point, Mr. Kracht asked the German social security office for family allowances, especially in order to pay for his son's studies in Italy, given that his wife received no allowances of any kind from its Italian counterpart. The Germans refused; they pointed out that the right to family allowances was suspended, in view of the fact that Mrs. Kracht had made no request to receive the allowances to which she was entitled in Italy.

The case went from one German court to another, before it finally reached the Court of Justice in Luxembourg. In giving judgment in favour of Mr. Kracht, the Court held that the German Government could not suspend the payment of family allowances to him on the grounds that no demand for such allowances had been made in Italy.

Payment could only have been suspended in order to avoid the concurrent payment of two sets of family allowances. But this was not the case; Mrs. Kracht, although in salaried employment, was not in receipt of family allowances in Italy. The Court also held that suspension on such grounds would be an obstacle to the free movement of persons within the Community, a principle enshrined in the Treaty of Rome, the European "Constitution".

**TRANSPORT: France's high-speed train (TGV) heads into the future**

The European Commission authorizes French aid for the development of new technologies.

The French Government has launched an ECU 66mn.\* research and development programme, with the company GEC-Alsthom, to ensure the future of its high-speed train, the TGV. The Government will provide ECU 25mn. in aid over the period 1990 to 1994.

The European Commission has given its approval, as the aid given by France will make an important contribution to strengthening the technological base of European industry, further the creation of a trans-European rail network and ensure better environmental protection (less noise, for example).

In order to reach a speed of 350 km/h. (220 mph) in commercial operation, and negotiate gradients of up to 4%, the third generation TGV will have to use new technologies. The research programme will focus on new, lighter materials; a new motor, capable of operating on the different electrical power systems in Europe; a new braking system and a suspension system which will allow the train to take curves at high speed.

Thanks to the achievements of European scientists, you will be able to board the new, more powerful TGV in a few years' time, and hurtle across Europe in safety.

\* 1 ECU = UK£0.70 or IR£0.77

**WORKING TIME: Night work with a human face for 1993?**

The European Commission wants to protect the health of workers.

No fewer than 20% of workers in the 12-nation European Community work in shifts, organized in teams according to a system such as "3 x 6". This method, which allows factories to operate far longer hours than the traditional working day, forces many workers to work the night shift. This is the case as regards 14% of the workforce in the Community as a whole, with a minimum of 12% in Denmark and an astonishing maximum of 29% in the U.K. and Spain. Even though they are generally better paid than their colleagues, those on shift work, and more especially on the night shift, have serious health problems, not counting the higher risk of accidents because of fatigue.

In order to guarantee workers a minimum of protection in the 1992 single market, the European Commission proposed to the Twelve, at the end of July, a Directive ("European law") containing a few simple rules; a minimum daily rest period of 11 hours in 24 hours and at least one rest day on average in every 7-day period for all workers and not more than eight hours of work per 24 hours, with no overtime, for night workers. The Directive also provides for annual paid holidays for all, and breaks which take into account the more demanding nature of shift and night work. The Commission has also envisaged derogations for sectors which might find it difficult to meet all these rules, including transport, distribution, oil rigs and seasonal employment.

The Commission is of the view that the proposed Directive can be adopted by the EC Council of Ministers by majority vote. This would make it easier to reach agreement, given the strong opposition to the principle of Community legislation in this area. The fact that the Directive could be implemented either by way of a national law or through collective agreements should also facilitate a decision by the Twelve. The fact is that in four Community countries there is no national legislation dealing with the number of hours that can be worked at night (Britain, Denmark, Ireland and Luxembourg), while in Britain there is no general legislation on working hours. In any case, the European Commission is convinced that improving working conditions does not harm productivity - on the contrary.

**TRANS-EUROPEAN NETWORKS: A European Commission progress report**

How to endow the EC with effective transport, telecommunications and energy networks.

The creation of genuine trans-European networks, whether in the fields of transport, telecommunications, energy or training, is one of the priorities the European Commission has set itself, with a view to the completion of the 1993 single market.

A coordinated infrastructure is essential if persons, goods, services and capital are to move freely throughout the Community. With the disappearance of its internal frontiers, the need to set up trans-European networks is becoming more pressing with each passing day.

The existing infrastructure has been conceived from a national viewpoint; it therefore poses numerous technical problems and gives rise to substantial and unnecessary expenditure. The northern European high-speed rail network currently under construction is an example of this. It will have to allow trains to run on four different electrical power supply systems, while each power car will have to be fitted with computers that can translate into simple language the instructions issued by the signalling systems of each country the train passes through. Similar problems arise in the case of air transport, telecommunications, gas and electricity transmission and vocational training.

The progress report the Commission has just sent the Twelve, uncovers the main deficiencies and outlines the priorities, to be translated into concrete proposals in a White Paper.

The European Commission, which has already invested ECU 25 billion\*, through the structural funds, to strengthen the Community's infrastructure, wants to concentrate future action on the harmonization of air traffic control, the harmonization of railway gauges, electronic data transmission and exchange, the computerized management of transport flows, the improvement of trans-European energy networks and the creation of databanks for professional training.

The White Paper, a veritable guide to the infrastructure needed for the effective operation of the single market, will be on the table of the EC Council of Ministers before the end of the year.

\* 1 ECU = UK£0.70 or IR£0.77.



**RURAL DEVELOPMENT: Towards Community aid for rural communities**

The European Commission proposes an ECU 400mn. programme for rural development.

The European Community's Agricultural Commissioner, Ray McSharry, has proposed an ECU 400mn.\* aid programme, designed to help the Community's disadvantaged rural areas exploit to the full their development possibilities. The programme will be known under its French acronym, LEADER (Liaison between actions for the development of the rural economy).

How will it work? About 100 agencies, located in the Community's disadvantaged rural areas, will deal with the everyday problems of these areas at the grass roots. The ECU 400mn., which will be available for spending through 1993, will be distributed by the European Commission to a national body in each Member State. The body, designated by the government, will channel these funds to the different local agencies. The entire network will be computerized and use the most modern communication techniques.

The areas covered by the LEADER programme could include vocational training and assistance for employment; rural tourism and agriculture. The programme would promote the development of small firms and local services, especially in combination with part-time farming, and support the exploitation and marketing of local farm products, especially through the encouragement of quality and higher added value.

The Commission has also proposed that environmental protection play a greater role in the implementation of the common agricultural policy (CAP). In concrete terms it is proposing ways of making three existing programmes more attractive, by offering subsidies to farmers who use smaller quantities of chemical fertilizers, pesticides and insecticides (up to ECU 180 per hectare); take land out of cultivation (up to ECU 150 per hectare) and plant trees (up to ECU 100 per hectare).

The European Commission's two initiatives should see the light of day as from next year, provided the Twelve adopt them in time.

\* 1 ECU = UK£0.70 or IR£0.77.