There is considerable diversity in Member States' law in this area. The Commission attributes particular importance to the issue and adopted on 25 November 1999 a draft directive establishing a general framework for equal treatment in employment and occupation (1), as part of its package of proposals under Article 13 (ex-Article 6a) of the EC Treaty.

The Honourable Member can find a general description of the situation in the Commission's communication on certain Community measures to combat discrimination (2).

The Commission is currently finalising a report on Member States' legal provisions to combat discrimination on grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation. The report is due to be published early in 2000.

As far as legislation on gender equality is concerned, Council Directive 76/207/CEE of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (3) has been implemented by all Member States and its Article 6 provides for means of redress to be introduced to national legal systems, by judicial process after possible recourse to other competent authorities. Concerning cases prosecuted, information is not yet available for 1999. For 1998, information can be found in the general report of the legal experts' group on equal treatment of men and women for 1997 and 1998, which is available on the Europa website under the following address: http://europa.eu.int/comm/dg05/publicat/equ-opp/experts.pdf.


by Bart Staes (Verts/ALE) to the Commission

(11 January 2000)

Subject: Recognition of the denturist-denturologist's diploma under Directives 89/48/EEC and 92/51/EEC

Dental technicians who carry out every stage in the manufacture of dental prostheses — from measuring to fitting — and have received further clinical training for the purpose, are given various names in the different Member States. In Belgium they use the term 'dental prosthesist-denturist', in the Netherlands 'dental prosthetician', in Denmark and the UK 'clinical dental technician', and in France 'denturologist'. The international professional federation sticks to 'denturist-denturologist'.

In view of the increasing mobility in the European Union it is important to be able to ascertain whether vocational training courses in the various Member States leading to the profession of 'denturist-denturologist' come under Directives 89/48/EEC (1) and 92/51/EEC (2), as they make provision for a system of recognition of higher education diplomas concluding vocational training courses of at least three years' duration. It is also important to know the relationship between those practising the 'denturist-denturologist' profession and dentists. Some Member States give dentists a monopoly on all treatments carried out inside the mouth, thus including non-medical treatment such as technical and clinical treatment. In other Member States 'denturist-denturologists' are permitted to fit prostheses without dentists' intervention. In between there are laws entitling 'denturist-denturologists' to fit dental prostheses after patients have obtained a certificate from their doctor. The law is clearly not harmonised in this area.
Can the Commission answer the following:

1. What is the state of affairs on the recognition of the various training courses leading to the profession of ‘denturist-denturologist’ in the 15 Member States?

2. What is the relationship between dentists and ‘denturist-denturologists’ in the 15 Member States?

3. How does the Commission view the initiative enabling ‘denturist-denturologists’ to exercise their profession with complete autonomy, possibly in cooperation with a dentist?

4. If the profession of ‘denturist-denturologist’ can be accepted as complying with Directives 89/48/EEC and 92/51/EEC, can the Commission allow existing or prospective national law to make it impossible for this category of professionals to exercise their profession in a legal manner? Can the Commission allow medically trained professionals (dentists) to enjoy a monopoly for carrying out non-medical treatments, in this case clinical and technical treatments? Does the Commission approve the awarding of a monopoly position for carrying out certain treatments (‘work inside the mouth’) to one specific professional group as not being an infringement of Community law? If it is, what steps will the Commission be taking to deal with it? If it is not, what grounds does the Commission have for reaching this view?

Answer given by Mr Bolkestein on behalf of the Commission

(7 February 2000)

First of all, and as already explained in the answer given by the Commission to Written Question E-3073/95 by Mr Wijsenbeek (1), since the profession of ‘dental prosthesist-denturist’ or ‘denturist-denturologist’ has not been subject to any Community harmonisation, the Member States alone remain responsible for granting official status to, and regulating, this profession. This applies not just to training and access to this profession, but also to the conditions for pursuing this activity and, in particular, the field which it covers, which may or may not include ‘work inside the mouth’.

In the absence of any Community Directive specifically relating to this profession, recognition among the Member States of qualifications giving access to this profession tends in effect to fall within the scope of Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years’ duration (2) and Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training, to supplement Directive 89/48/EEC (3). The system laid down by these Directives applies when the profession in question is ‘regulated’ in the host Member State, i.e. when access to, or the pursuit of, this profession is subject, directly or indirectly, by virtue of laws, regulations or administrative provisions, to the possession of a diploma. Once the qualifications have been recognised, the professional concerned will be subject to the same conditions for pursuing this activity (particularly in the same field of activity) as nationals of the host Member State. Under these circumstances, and given that these two Directives do not coordinate the content of training courses, it is not really possible to talk of specific professional training ‘complying’ with the aforementioned Directives. In effect, either the profession concerned is regulated under the terms of the Directives (89/48/EEC or 92/51/EEC, by level of training) or it is not. If it is not regulated, then the pursuit of the profession or activity concerned is free (i.e. not subject to any conditions concerning qualifications) or reserved for other professionals (see below).

Directives 89/48/EEC and 92/51/EEC do not oblige the Commission to carry out in-depth studies into all the professions to which these Directives may apply, which is why the Commission has no detailed information on this profession, and particularly on the relationship between dentists and ‘denturists-denturologists’. However, according to information which the Commission does have at its disposal, the profession of ‘denturist-denturologist’ (whose field of activity includes ‘work inside the mouth’) does have official status in Denmark, Spain, the Netherlands and Finland.
Given the situation outlined above, it is not up to the Commission to comment on any initiative which would allow 'denturists-denturologists' to carry out their profession with complete autonomy, possibly in collaboration with a dentist, nor is it qualified to take such an initiative.

In the absence of Community harmonisation measures, the field in question is the responsibility of the national authorities, which means that the Member States have every right to give the monopoly for a specific activity (such as 'work inside the mouth') to another professional, in this instance the dentist. Given that the activities being carried out are non-harmonised medical activities, it is not an infringement of Community law to reserve these for a particular profession — cf. the Court of Justice judgment of 3 October 1990 in case C-61/89 (Bouchoucha) (4).

Finally, as for the possibility of applying Community competition rules to the awarding, by certain Member States, of a monopoly position to one specific professional group for 'work inside the mouth', this could only be envisaged in the rather unlikely event of the professional group which holds the monopoly being manifestly incapable of satisfying the demand for services, as happened in case C-41/90 (Höfner) (5). The Commission has no information to suggest that this is the case with regard to the service in question.

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(2) OJ C 79, 18.3.1996.

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WRITTEN QUESTION E-2565/99

by Erik Meijer (GUE/NGL) and Alain Krivine (GUE/NGL) to the Commission

(11 January 2000)

Subject: Health risks from processing Dutch lead batteries in France

1. Is the Commission aware that the Metal Blanc company in the French village of Bourg-Fidèle (Ardennes department) is processing waste lead batteries, and that as a result the surrounding area has become seriously polluted, which has meant that a quarter of children are suffering from lead poisoning, according to an inquiry by the Réseau National de Santé Publique (RNSP), it is dangerous to allow cows to graze and residents are being advised not to eat vegetables from their own gardens?

2. Is it also aware that the French courts closed down the Metal Blanc company some time ago, partly because it did not have a closed system for collecting lead fumes and waste water, but that in anticipation of the company's compliance with the required provisions they have again granted permission to resume the transport and processing of lead waste?

3. Can the Commission confirm the position as stated by the Netherlands Minister for the Environment in answer to questions by the Dutch MP R. Poppe, that the procedure for the collection of orange list waste substances means that the authorities concerned decide, independently of one another, each for their own area, whether or not to grant permission to export and import waste, so that the Netherlands does not have to ask the relevant French authorities first about the accuracy of the data supplied by the company concerning its processing method?

4. Does the Commission agree that the procedure described in point 3 can mean that public health and environmental information available from the various authorities concerned is not exchanged soon enough, thus enabling companies to evade the usual national government controls by shipping waste to another Member State?

5. Can the Commission confirm that an investigation into the European lead industry is currently under way, under its responsibility? When will the results become available?

6. Will the Commission see to it that the European regulation on the transport of waste is revised to ensure that, prior to the transport of waste, all the authorities involved coordinate their data and take a pro-Community stand on the acceptability of its transport and reprocessing?