



**PEOPIL - A NETWORK OF
EXPERIENCE EUROPE-WIDE**

details and he will send the necessary application forms.

With best wishes.

John Price

President

www.peopil.com

Bulletin

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LETTER FROM THE PRESIDENT

Dear Member

At the end of November it is planned that there will be a full Board meeting. One of the topics will be of course the conference next year which will be in Munich. Might I inform you of the date which is 18 and 19 May 2001.

It promises to be an exceptional conference and there is already an unusual amount of interest. We are likely to concentrate mainly on medical negligence and damages arising out of road traffic accidents and I hope to be able to circulate a detailed programme in the next bulletin.

We are pleased with the progress that is made with regard to membership. It is however an endless task and at the same time as appreciating your efforts I would ask you to continue to think of appropriate new members and encourage them to make contact with Wolfgang or to give Wolfgang their

ASBESTOS

THE GLOBAL ASBESTOS CONGRESS - PAST, PRESENT AND FUTURE

The Global Asbestos Congress took place in Osasco, S o Paulo, Brazil from September 17-20, 2000. More than four hundred delegates from thirty-two countries participated in events which included plenary sessions, workshops and roundtables, a photographic exhibition, video screenings and a musical tribute to the asbestos victims. The international significance of this conference was reinforced by the participation of the International Labour Organisation and other international and national trade unions, victim support groups and occupational and environmental health associations.

Bringing together leading international asbestos experts from many subject disciplines and professions produced interesting discussions from which emerged plans for new initiatives:

- the founding of a quarterly Latin American journal on asbestos issues;

- an asbestos conference on South American issues to be held in Buenos Aires in August, 2001;
- a new telephone hotline for asbestos and other occupational illness victims in Japan;
- cooperation between Italian delegates and UK specialists on a mesothelioma nursing program;
- discussions between Slovenian and Italian health and safety activists joint ventures;
- the launching of anti-asbestos campaigns in Malaysia and India;
- cooperation on compensation issues between South American and European lawyers;
- a possible consumer boycott of goods produced by companies which deny compensation to asbestos victims;
- the establishment of a Global Asbestos Congress Virtual Network.

TOBACCO LITIGATION:

SUCCESS FOR OUR NORWEGIAN MEMBER
CARL GUNNAR SANDVOLD

On 27th October the PEOPIL office received

Email from our member Gunnar Sandvold saying:

The Norwegian Supreme Court has today awarded our client full Workmens Compensation as she got lung cancer in 1992 due to her own smoking and passive smoking in the night club where she still works. One lung was removed in -92, and she is now well and works 50% in a non-smoking bar. The compensation will be NOK 2.420.000,- and about NOK 450.000,- in costs. The Appeal Court gave her only 75% due to her own smoking, which they regarded as gross negligent. We appealed, and the supreme court disagreed with the Appeal Court and gave 100%

The conference also prompted:

A more detailed report will be published at

- the stunning declaration by the Mayor of Osasco that he would encourage his city council to make Osasco one of the first cities in Brazil to ban the use of asbestos;

later date.

H.R.

- the announcement of a joint medical initiative between the Mount Sinai Hospital in New York and the Osasco Hospital;
- a statement signed by the trade unionists calling for an international ban on asbestos;
- an offer from S o Paulo s House of Deputies to exhibit the South African photographic exhibition during the period when the state s ban asbestos law will be discussed.

Judgment of the Court of Justice in Case C-168/98

**GRAND DUCHY of LUXEMBOURG v
EUROPEAN PARLIAMENT and COUNCIL of
the EUROPEAN UNION**

**THE COURT REJECTS THE ACTION
BROUGHT BY THE GRAND DUCHY OF
LUXEMBOURG AND CONFIRMS THE
VALIDITY OF THE DIRECTIVE TO
FACILITATE PRACTICE OF THE
PROFESSION OF LAWYER ON A
PERMANENT BASIS IN A MEMBER STATE**

A Congress CD, which will include many of the plenary and poster presentations and extra-Congress submissions (as approved by the CD editors) is being compiled. A notice will appear on the IBAS website (www.ibas.btinternet.co.uk) when the CD is available.

**OTHER THAN THAT IN WHICH THE
QUALIFICATION WAS OBTAINED**

The Court considers that the directive does not entail discrimination against national lawyers but ensures consumer protection and the proper administration of justice; since it concerns the mutual recognition of professional titles, it was permissible for the directive to be adopted by a qualified majority

Source: International Ban Asbestos Secretariat

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A directive of the European Parliament and the Council of the European Union of 16 February 1998, adopted by a qualified majority, provides that any lawyer is to be entitled to pursue his activities on a permanent basis in another Member State, under his home-country

advice on the law of his home Member State, on Community law, on international law and on the law of the host Member State. The exercise of that right is not subject to an adaptation period or aptitude test. Joint practice of the profession of lawyer in the host Member State is also authorised on certain conditions.

supplementing the Community system which is intended to authorise the unrestricted practice of the profession of lawyer under the professional title of the host Member State and that it was therefore possible for it to be adopted by a qualified majority.

The Grand Duchy of Luxembourg has requested the Court of Justice of the European Communities to annul that directive. In that measure introduces a difference in treatment as between national and migrant lawyers and does not guarantee adequate consumer protection or the proper administration of justice.

Last, the Court finds that the Council and the Parliament have satisfied the obligation to provide reasons imposed in respect of measures of general application. In those circumstances, the Court rejects the application for annulment.

Source: European Court of Justice

The June Hancock Award

Furthermore, according to the Grand Duchy, the directive ought to have been adopted, not by a qualified majority, but unanimously, because of the amendments to the conditions governing training and access to the profession that it imposes at national level.

Speech given by Laurie Kazan-Allen in Paris

The Court recalls that the fundamental principle of equal treatment requires that comparable situations should not be treated in a different manner. It considers that that principle is not infringed by the directive which provides that a migrant lawyer practising under his home country professional title is, objectively, in a **situation different** from that of a national lawyer. Migrant lawyers are forbidden to carry out certain activities and, with regard to representation and defence of clients in legal proceedings, are subject to certain obligations. According to the Court, the directive which the Grand Duchy seeks to have annulled contains rules intended to protect consumers and to ensure the proper administration of justice.

We are here today to honour two people: June Hancock, an unassuming Englishwoman from a small industrial town, and Henri Ezerat, a renown French toxicologist who is with us here today. Having known both of them since I was a child, it is my very great pleasure to tell you about these two remarkable people. June Hancock was a lady from Yorkshire in the north of England. An ordinary person, so she said, who loved her family, her dogs and Leeds United Football Club. But I have to tell you that she was not, in any sense of the word, ordinary. Everyone who met her, including the High Court Judge who presided over her case, was impressed by her sincerity, dignity and courage.

Thus, the migrant lawyer's professional title **informs** consumers about his initial training and, moreover, that such lawyers must observe the same rules of professional conduct as those imposed on lawyers practising under the professional title of the host Member State. Finally, like the latter, migrant lawyers must be covered by professional insurance and be subject to disciplinary rules.

In 1982 June's Mother died twelve long months after she had been diagnosed with a terminal disease. A doctor said that the disease had probably been caused by living near an asbestos textile factory in the town of Armley. Later June said: I wish we'd done something the time about Mum but what do you do when you are totally bereft and grief-stricken.

The Court therefore considers that, by releasing migrant lawyers from the obligation to prove in advance knowledge of the national law applicable in the host Member State, the directive has not abolished the requirement of knowledge of that law, but merely allowed to be gradually assimilated through practice. Furthermore, the Court considers that the directive establishes a **mechanism for the mutual recognition of professional titles**

In 1994, lightning hit the same family again when June was diagnosed with this terrible disease. June knew only too well what the future held in store; she had seen her Mother suffering and knew that everyday tasks would become increasingly difficult. Nobody made her Yorkshire puddings like June. Every Sunday, daughter Kimberley and sons Russell and Gareth brought their families to June's house for a traditional Sunday lunch. Lack of breath would put an end to this happy occasion. Making her beloved dogs for walks and going to

watch Leeds United play football would be so many years, he was ignored; sometimes end. June knew that her time was limited, ridiculed and often dismissed as a leftist. Nevertheless she was determined to seek justice for her Mother, her own family and for other asbestos victims. The company which had caused so much hardship and unhappiness must answer for what they have done.

In 1975 Henri coordinated the first asbestos actions at Jussieu. These included strikes, assemblies and negotiations. He was the first one to realise the scale of the problem. The culprit was Tuross Limited, the parent company which had exerted ultimate control at the Tuross factory. In 1975, before the rest of us, the huge price that employees in 24 countries generated a for the privilege of earning a living. Built a billion turnover in 1995. No one had ever taken such a UK asbestos company to court for environmental asbestos exposure before. June contacted the court for asbestos workers at Ferodid. On October 27, 1995 the Court ruled in favour. The company appealed. On April 1996 the Court of Appeal dismissed the appeal. June had won. That victory established a legal precedent which has made it easier for other UK asbestos victims to obtain compensation.

When she won, June said the ruling proved that: No matter how small you are, you can fight and no matter how big you are, you can lose. June defied her doctors. In June 1994 she had been given two years to live. She survived for 3.5 years. Her memory lives only in UK case law but as an inspiration for those, solicitors, barristers, medical researchers, doctors, nurses, television newspaper journalists, health and safety activists, who knew and respected the quiet determined nature with which she fought against her illness and the corporation had caused it.

When I told Kimberley, June's daughter, about this award she wrote to me: We are absolutely delighted and so proud too the award being made in Mum's name. What Mum achieved was incredible, and we know that if she were here today, she would be continuing the battle against this evil legacy. We must continue to raise awareness locally, nationally and internationally awards certainly do that. It is so very important that there are organisations and people, like Mum, who are prepared to dedicate so much time and effort to this vital cause, against the odds.

Henri remained concerned about the situation in France; studying the mortality rates for mesothelioma, worrying about the lack of compensation for the victims. June's family were delighted to learn that Henri Pezerat was to receive The Hancock Award. For over twenty-five years Henri Pezerat has sought to make the government, unions and public aware of the horrific legacy asbestos has left in history.

ex-~~Amisol~~ and other workers produced the ~~idea~~ ^{idea}, it will be more important than ever to
of a local Association against asbestos ~~take~~ ^{take} this account of consumers attitudes and to
was to eventually grow into ANDEVA, ~~the~~ ^{to} defend their interests."
social movement in France, which has been
responsible for making the government aware

of its responsibilities, putting an end to **Food Safety**
and securing a unilateral ban on asbestos ~~in~~ ^{The} President stated that food safety has been
France. The French ban was pivotal; ~~as~~ ^a priority for the Commission from the very
France banned asbestos, the UK followed ~~at~~ ^{the} start of its term in office. Although overall,
did the European Union. in Europe has probably never been safer,
consumer confidence has been deeply shaken

And even now Henri continues his ~~by~~ ^{by} a series of food crises. The immediate task
involvement with asbestos issues in France ~~is~~ ^{is} to restore confidence by tightening up
and abroad. His work over many years helped ~~the~~ ^{the} checks and controls where there is any doubt
pave the way for the creation of ~~an~~ ^{an} about food safety. "Consumers in Europe
international solidarity network which ~~is~~ ^{is} rightly expect their food to be the safest in the
force in the face of increasing globalisation ~~he~~ ^{he} said. President ~~Prodi~~ ^{Prodi} expressed his
This new concept of public health and ~~social~~ ^{social} action that confidence can only be
activism owes much ~~to~~ ^{to} Henri's efforts and restored, by adopting an integrated food policy
vision. I know that June would have ~~been~~ ^{been} ~~restoring~~ ^{restoring} the whole food chain. There is a need
proud for this award to be presented to ~~the~~ ^{the} spell out clearly the responsibilities of
Pezerat: dedicated scientist and campaigner ~~producers,~~ ^{producers,} Member States and the
who identified a problem and persisted ~~with~~ ^{with} Commission and to modernise food legislation
efforts to achieve compensation for asbestos ~~victims~~ ^{victims} as a single coherent body of law.
victims and protection for the rest of ~~the~~ ^{the} from the publication of the White Paper on Food
this deadly fibre. It is with great pleasure ~~that~~ ^{that} January 2000 marked an important
present the June Hancock Award to Henri ~~Prodi~~ ^{Prodi} milestone on this path. President Prodi was
Pezerat. pleased that another important step was made
just two weeks ago, when the Commission
sent the European Parliament and Council its

**President Prodi Opens Annual Assembly of
Consumer Associations in Europe**
*Commission President Romano Prodi, at
the opening of the Annual Assembly of
Consumer Associations in Europe,
underlined the importance of consumer
policy as one of the key tools for improving
the quality of life of European citizens.
President Prodi told the Assembly " If there
is one message I want you all to take home
it is this: the European Union exists for the
benefit of its citizens and it is European
citizens who must shape Europe's future."*
of proposals for setting up an independent
European Food Authority. He said "The two
key functions of this Authority should be risk
assessment and risk communication. The
Commission needs to receive sound, science-
based risk assessments on which to base our
food safety policy. Our food scientists must
be clearly independent from policy-
makers. This transparency in setting food
rules will go a long way towards
restoring public confidence, and we trust the
European Parliament and Council will act
swiftly on our proposals."

President Prodi recalled that the Amsterdam **BSE**
Treaty commits the EU to high level of
consumer protection and to integrating
consumer policy into other common policies
and activities. This Commission has made ~~it~~ ^{it} a
top priority to improve the quality of life ~~for~~ ^{for} Europe's
Europe's citizens and to deliver practical ~~and~~ ^{and}
effective action on issues of real concern ~~to~~ ^{to}
consumers - issues such as environment, ~~being~~ ^{being} found. Also there is a need to see the
energy, health food safety, products safety, ~~total~~ ^{total} number of BSE cases in relation to the
commerce, transport, living and working ~~size~~ ^{size} of the total cattle population. President
conditions, security and justice. Prodi informed the assembly about the recent
President Prodi extended a warm welcome to ~~the~~ ^{the} positive opinion of the Standing Veterinary
representatives from candidate countries ~~who~~ ^{who} Committee to extend testing for BSE, which he
are participating in the Assembly. "In the ~~well~~ ^{well} welcomed. He added, " I believe that the
enlarged EU, with all its rich diversity ~~of~~ ^{of} measures that are in place to ensure the safety

of beef are sufficient to ensure the high standard of safety that consumers expect. Member States who are responsible for the implementation of these measures need to be vigilant to ensure that they are fully applied."

Role of Civil Society

The President spoke of the important role to be played by civil society organisations in policy making. "Only by getting civil society and citizens fully involved in policy-development can we make Europe transparent and democratically accountable. Policy-making requires the participation of all stakeholders. That is why the Commission wants consumer organisations and individual consumers to help us develop our consumer policy - and to improve all European policies that concern consumers."

President Prodi stated that in the summer of 2001 the Commission will publish a White Paper on European Governance that will propose a more democratic decentralised way of running Europe - a "networking" partnership between local, regional and national authorities, European institutions and civil society. "Only a decentralised, "bottom-up" system of governance will enable us to tackle the complex and interrelated challenges facing us today." The White Paper is intended to launch a wide public debate, and the debate must also be decentralised. President Prodi told the Consumer Associations Assembly "You, as part of the policy-making network, have an important role to play in informing your members." The Assembly will continue on November 2 and will discuss issues such as consumer confidence in e-commerce and food safety as well as the euro, fair trading with consumers, safety of services, and consumer participation in standardisation. David Byrne, Commissioner for Health and Consumer Protection will address the Assembly's closing session on November 24.

Source: European Commission

Disclaimer

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- information of a general nature only, which is not intended to address the specific circumstances of any particular individual or entity;
- not necessarily comprehensive, complete, accurate or up to date;

• not professional or legal advice.

YOUR EMAIL ADDRESS

Dear All

Many of you are now online, and the PEOPIL office would like to kindly ask you to let us know your Email address in order to facilitate communications. So please send just a short Email to admin@peopil.com if haven't done so already) THANK YOU.

W.R.

ADVANCED ANNOUNCEMENT

PEOPIL

2001 CONFERENCE
MUNICH, GERMANY
18 & 19 May 2001

The programme is expected to include:

MEDICAL NEGLIGENCE
AND
ROAD TRAFFIC ACCIDENTS

The latest in European legislation
You will hear TOP SPEAKERS from across Europe

Conference at the Bayerischer Hof

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