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Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 1866/2004 of 28 October 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables	1
Commission Regulation (EC) No 1867/2004 of 28 October 2004 fixing the representative prices and the additional import duties for molasses in the sugar sector applicable from 29 October 2004	3
Commission Regulation (EC) No 1868/2004 of 28 October 2004 fixing the export refunds on white sugar and raw sugar exported in its unaltered state	5
Commission Regulation (EC) No 1869/2004 of 28 October 2004 fixing the export refunds on syrups and certain other sugar products exported in the natural state	7
Commission Regulation (EC) No 1870/2004 of 28 October 2004 fixing the maximum export refund for white sugar to certain third countries for the 11th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1327/2004	10
Commission Regulation (EC) No 1871/2004 of 28 October 2004 fixing the maximum export refund for butter in the framework of the standing invitation to tender provided for in Regulation (EC) No 581/2004.....	11
Commission Regulation (EC) No 1872/2004 of 28 October 2004 fixing the maximum export refund for skimmed milk powder in the framework of the standing invitation to tender provided for in Regulation (EC) No 582/2004.....	13
Commission Regulation (EC) No 1873/2004 of 28 October 2004 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty	14
★ Commission Regulation (EC) No 1874/2004 of 28 October 2004 amending Directives 2004/17/EC and 2004/18/EC of the European Parliament and of the Council in respect of their application thresholds for the procedures for the award of contracts ⁽¹⁾	17

⁽¹⁾ Text with EEA relevance

(Continued overleaf)

★ Commission Regulation (EC) No 1875/2004 of 28 October 2004 amending Annexes II and III to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin as regards sodium salicylate and fenvalerate ⁽¹⁾	19
★ Commission Regulation (EC) No 1876/2004 of 28 October 2004 amending Annex I of Regulation (EC) No 953/2003 to avoid trade diversion into the European Union of certain key medicines	22
★ Commission Regulation (EC) No 1877/2004 of 28 October 2004 amending Annex IIIB of Regulation (EC) No 517/94 as regards quotas for Serbia and Montenegro	25
★ Commission Regulation (EC) No 1878/2004 of 28 October 2004 derogating from Council Regulation No 136/66/EEC and Council Regulation (EEC) No 2261/84 as regards the fixing of the olive yields and oil yields in Cyprus, Malta and Slovenia	27
Commission Regulation (EC) No 1879/2004 of 28 October 2004 fixing the export refunds on products processed from cereals and rice	28
Commission Regulation (EC) No 1880/2004 of 28 October 2004 fixing the export refunds on rice and broken rice and suspending the issue of export licences	31
Commission Regulation (EC) No 1881/2004 of 28 October 2004 fixing the export refunds on cereal-based compound feedingstuffs	34
Commission Regulation (EC) No 1882/2004 of 28 October 2004 fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex I to the Treaty	36
Commission Regulation (EC) No 1883/2004 of 28 October 2004 fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty	40
Commission Regulation (EC) No 1884/2004 of 28 October 2004 fixing the maximum export refund on barley in connection with the invitation to tender issued in Regulation (EC) No 1757/2004	43
Commission Regulation (EC) No 1885/2004 of 28 October 2004 fixing the maximum export refund on oats in connection with the invitation to tender issued in Regulation (EC) No 1565/2004	44

II Acts whose publication is not obligatory

Council

2004/740/EC:

★ Council Decision of 4 October 2004 on guidelines for the employment policies of the Member States	45
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2004/741/EC:

★ Council Recommendation of 14 October 2004 on the implementation of Member States' employment policies	47
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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1866/2004
of 28 October 2004
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 October 2004.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 October 2004.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 1947/2002 (OJ L 299, 1.11.2002, p. 17).

ANNEX

to Commission Regulation of 28 October 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	53,1
	204	48,2
	999	50,7
0707 00 05	052	129,6
	999	129,6
0709 90 70	052	97,2
	204	41,2
	388	34,1
	628	48,8
	999	55,3
0805 50 10	052	56,4
	388	48,3
	524	67,5
	528	53,4
	999	56,4
0806 10 10	052	89,0
	400	197,7
	999	143,4
0808 10 20, 0808 10 50, 0808 10 90	388	109,3
	400	100,7
	404	80,1
	442	61,0
	512	106,6
	720	99,6
	800	205,7
	804	106,5
	999	108,7
0808 20 50	052	103,7
	720	75,4
	999	89,6

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1867/2004**of 28 October 2004****fixing the representative prices and the additional import duties for molasses in the sugar sector
applicable from 29 October 2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the market in sugar⁽¹⁾, and in particular Article 24(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68⁽²⁾, stipulates that the cif import price for molasses established in accordance with Commission Regulation (EEC) No 785/68⁽³⁾, is to be considered the representative price. That price is fixed for the standard quality defined in Article 1 of Regulation (EEC) No 785/68.
- (2) For the purpose of fixing the representative prices, account must be taken of all the information provided for in Article 3 of Regulation (EEC) No 785/68, except in the cases provided for in Article 4 of that Regulation and those prices should be fixed, where appropriate, in accordance with the method provided for in Article 7 of that Regulation.
- (3) Prices not referring to the standard quality should be adjusted upwards or downwards, according to the

quality of the molasses offered, in accordance with Article 6 of Regulation (EEC) No 785/68.

- (4) Where there is a difference between the trigger price for the product concerned and the representative price, additional import duties should be fixed under the terms laid down in Article 3 of Regulation (EC) No 1422/95. Should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed.
- (5) The representative prices and additional import duties for the products concerned should be fixed in accordance with Articles 1(2) and 3(1) of Regulation (EC) No 1422/95.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 October 2004.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 October 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

⁽²⁾ OJ L 141, 24.6.1995, p. 12. Regulation as amended by Regulation (EC) No 79/2003 (OJ L 13, 18.1.2003, p. 4).

⁽³⁾ OJ L 145, 27.6.1968, p. 12. Regulation as amended by Regulation (EC) No 1422/95 (OJ L 141, 24.6.1995, p. 12).

ANNEX

Representative prices and additional duties for imports of molasses in the sugar sector applicable from 29 October 2004

(EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽¹⁾
1703 10 00 ⁽²⁾	8,52	—	0
1703 90 00 ⁽²⁾	9,77	—	0

⁽¹⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

⁽²⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

COMMISSION REGULATION (EC) No 1868/2004**of 28 October 2004****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector⁽¹⁾, and in particular the second subparagraph of Article 27(5) thereof,

Whereas:

- (1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 1260/2001 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 28 of that Regulation. The same Article provides that the economic aspect of the proposed exports should also be taken into account.
- (3) The refund on raw sugar must be fixed in respect of the standard quality. The latter is defined in Annex I, point II, to Regulation (EC) No 1260/2001. Furthermore, this refund should be fixed in accordance with Article 28(4) of that Regulation. Candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector⁽²⁾. The refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.
- (4) In special cases, the amount of the refund may be fixed by other legal instruments.

- (5) The refund must be fixed every two weeks. It may be altered in the intervening period.
- (6) The first subparagraph of Article 27(5) of Regulation (EC) No 1260/2001 provides that refunds on the products referred to in Article 1 of that Regulation may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary.
- (7) The significant and rapid increase in preferential imports of sugar from the western Balkan countries since the start of 2001 and in exports of sugar to those countries from the Community seems to be highly artificial.
- (8) To prevent any abuse through the re-import into the Community of sugar products in receipt of an export refund, no refund should be set for all the countries of the western Balkans for the products covered by this Regulation.
- (9) In view of the above and of the present situation on the market in sugar, and in particular of the quotations or prices for sugar within the Community and on the world market, refunds should be set at the appropriate amounts.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 October 2004.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 October 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

⁽²⁾ OJ L 214, 8.9.1995, p. 16.

ANNEX

**REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING
APPLICABLE FROM 29 OCTOBER 2004**

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	39,56 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	39,56 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	39,56 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	39,56 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,4300
1701 99 10 9100	S00	EUR/100 kg	43,00
1701 99 10 9910	S00	EUR/100 kg	43,00
1701 99 10 9950	S00	EUR/100 kg	43,00
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,4300

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro (including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999), the former Yugoslav Republic of Macedonia, save for sugar incorporated in the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

⁽¹⁾ This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 %, the refund amount applicable shall be calculated in accordance with Article 28(4) of Regulation (EC) No 1260/2001.

COMMISSION REGULATION (EC) No 1869/2004**of 28 October 2004****fixing the export refunds on syrups and certain other sugar products exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector⁽¹⁾, and in particular the second subparagraph of Article 27(5) thereof,

Whereas:

- (1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(d) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Article 3 of Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector⁽²⁾, provides that the export refund on 100 kilograms of the products listed in Article 1(1)(d) of Regulation (EC) No 1260/2001 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; the sucrose content of the product in question is determined in accordance with Article 3 of Commission Regulation (EC) No 2135/95.
- (3) Article 30(3) of Regulation (EC) No 1260/2001 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one hundredth of the production refund applicable, pursuant to Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry⁽³⁾, to the products listed in the Annex to the last mentioned Regulation.
- (4) According to the terms of Article 30(1) of Regulation (EC) No 1260/2001, the basic amount of the refund on the other products listed in Article 1(1)(d) of the said Regulation exported in the natural state must be equal to one-hundredth of an amount which takes

account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward-processing arrangements.

- (5) According to the terms of Article 30(4) of Regulation (EC) No 1260/2001, the application of the basic amount may be limited to some of the products listed in Article 1(1)(d) of the said Regulation.
- (6) Article 27 of Regulation (EC) No 1260/2001 makes provision for setting refunds for export in the natural state of products referred to in Article 1(1)(f) and (g) and (h) of that Regulation; the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1(1)(d) of Regulation (EC) No 1260/2001 and of the economic aspects of the intended exports; in the case of the products referred to in the said Article 1(1)(f) and (g), the refund is to be granted only for products complying with the conditions in Article 5 of Regulation (EC) No 2135/95; for the products referred to in Article 1(1)(h), the refund shall be granted only for products complying with the conditions in Article 6 of Regulation (EC) No 2135/95.
- (7) The abovementioned refunds must be fixed every month; they may be altered in the intervening period.
- (8) The first subparagraph of Article 27(5) of Regulation (EC) No 1260/2001 provides that refunds on the products referred to in Article 1 of that Regulation may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary.
- (9) The significant and rapid increase in preferential imports of sugar from the western Balkan countries since the start of 2001 and in exports of sugar to those countries from the Community seems to be highly artificial in nature.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 6).

⁽²⁾ OJ L 214, 8.9.1995, p. 16.

⁽³⁾ OJ L 178, 30.6.2001, p. 63.

- (10) In order to prevent any abuses associated with the reimportation into the Community of sugar sector products that have qualified for export refunds, refunds for the products covered by this Regulation should not be fixed for all the countries of the western Balkans.
- (11) In view of the above, refunds for the products in question should be fixed at the appropriate amounts.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(d), (f), (g) and (h) of Regulation (EC) No 1260/2001, exported in the natural state, shall be set out in the Annex hereto to this Regulation.

Article 2

This Regulation shall enter into force on 29 October 2004.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 October 2004.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

EXPORT REFUNDS ON SYRUPS AND CERTAIN OTHER SUGAR PRODUCTS EXPORTED WITHOUT FURTHER PROCESSING APPLICABLE FROM 29 OCTOBER 2004

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	43,00 ⁽¹⁾
1702 60 10 9000	S00	EUR/100 kg dry matter	43,00 ⁽¹⁾
1702 60 80 9100	S00	EUR/100 kg dry matter	81,71 ⁽²⁾
1702 60 95 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,4300 ⁽³⁾
1702 90 30 9000	S00	EUR/100 kg dry matter	43,00 ⁽¹⁾
1702 90 60 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,4300 ⁽³⁾
1702 90 71 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,4300 ⁽³⁾
1702 90 99 9900	S00	EUR/1 % sucrose × net 100 kg of product	0,4300 ⁽³⁾ ⁽⁴⁾
2106 90 30 9000	S00	EUR/100 kg dry matter	43,00 ⁽¹⁾
2106 90 59 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,4300 ⁽³⁾

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are defined as follows:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro (including Kosovo as defined by the United Nations Security Council Resolution 1244 of 10 June 1999), the former Yugoslav Republic of Macedonia, except for sugar incorporated into the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

⁽¹⁾ Applicable only to products referred to in Article 5 of Regulation (EC) No 2135/95.

⁽²⁾ Applicable only to products referred to in Article 6 of Regulation (EC) No 2135/95.

⁽³⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EC) No 2135/95). Sucrose content is determined in accordance with Article 3 of Regulation (EC) No 2135/95.

⁽⁴⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

COMMISSION REGULATION (EC) No 1870/2004**of 28 October 2004****fixing the maximum export refund for white sugar to certain third countries for the 11th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1327/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector⁽¹⁾ and in particular the second indent of Article 27(5) thereof,

Whereas:

(1) Commission Regulation (EC) No 1327/2004 of 19 July 2004 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽²⁾, for the 2004/2005 marketing year, requires partial invitations to tender to be issued for the export of this sugar to certain third countries.

(2) Pursuant to Article 9(1) of Regulation (EC) No 1327/2004 a maximum export refund shall be fixed,

as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question.

(3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

For the 11th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1327/2004 the maximum amount of the export refund shall be 46,144 EUR/100 kg.

Article 2

This Regulation shall enter into force on 29 October 2004.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 October 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

⁽²⁾ OJ L 246, 20.7.2004, p. 23. Regulation as amended by Regulation (EC) No 1685/2004 (OJ L 303, 30.9.2004, p. 21).

COMMISSION REGULATION (EC) No 1871/2004**of 28 October 2004****fixing the maximum export refund for butter in the framework of the standing invitation to tender
provided for in Regulation (EC) No 581/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products⁽¹⁾, and in particular the third subparagraph of Article 31(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 581/2004 of 26 March 2004 opening a standing invitation to tender for export refunds concerning certain types of butter⁽²⁾ provides for a permanent tender.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 580/2004 of 26 March 2004 establishing a tender procedure concerning export refunds for certain milk products⁽³⁾ and following an examination of the

tenders submitted in response to the invitation to tender, it is appropriate to fix a maximum export refund for the tendering period ending on 27 October 2004.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the permanent tender opened by Regulation (EC) No 581/2004, for the tendering period ending on 27 October 2004, the maximum amount of refund for the products referred to in Article 1(1) of that Regulation shall be as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 29 October 2004.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 October 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 90, 27.3.2004, p. 64.

⁽³⁾ OJ L 90, 27.3.2004, p. 58.

ANNEX

(EUR/100 kg)

Product	Export refund Code	Maximum amount of export refund	
		For export to the destination referred to in the first indent of Article 1(1) of Regulation (EC) No 581/2004	For export to the destinations referred to in the second indent of Article 1(1) of Regulation (EC) No 581/2004
Butter	ex 0405 10 19 9500	—	—
Butter	ex 0405 10 19 9700	132,00	139,00
Butteroil	ex 0405 90 10 9000	—	170,00

COMMISSION REGULATION (EC) No 1872/2004**of 28 October 2004****fixing the maximum export refund for skimmed milk powder in the framework of the standing invitation to tender provided for in Regulation (EC) No 582/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products⁽¹⁾, and in particular the third subparagraph of Article 31(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 582/2004 of 26 March 2004 opening a standing invitation to tender for export refunds for skimmed milk powder⁽²⁾ provides for a permanent tender.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 580/2004 of 26 March 2004 establishing a tender procedure concerning export refunds for certain milk products⁽³⁾ and following an examination of the tenders submitted in response to the invitation to

tender, it is appropriate to fix a maximum export refund for the tendering period ending on 27 October 2004.

- (3) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

For the permanent tender opened by Regulation (EC) No 582/2004, for the tendering period ending on 27 October 2004, the maximum amount of refund for the product and destinations referred to in Article 1(1) of that Regulation shall be 31,00 EUR/100 kg.

Article 2

This Regulation shall enter into force on 29 October 2004.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 October 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 90, 27.3.2004, p. 67.

⁽³⁾ OJ L 90, 27.3.2004, p. 58.

COMMISSION REGULATION (EC) No 1873/2004**of 28 October 2004****fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 15 May 1999 on the common organisation of the market in milk and milk products⁽¹⁾, and in particular Article 31(3) thereof,

Whereas:

- (1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1(a), (b), (c), (d), (e) and (g) of that Regulation and prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and criteria for fixing the amount of such refunds⁽²⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999.
- (3) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kg for each of the basic products in question must be fixed for each month.
- (4) However in the case of certain milk products exported in the form of goods not covered by Annex I to the Treaty, there is a danger that, if high refund rates are fixed in advance, the commitments entered into in relation to those refunds may be jeopardised. In order to avert that danger, it is therefore necessary to take appropriate precautionary measures, but without precluding the conclusion of long-term contracts. The fixing of specific refund rates for the advance fixing of refunds in respect of those products should enable those two objectives to be met.
- (5) Article 4(3) of Regulation (EC) No 1520/2000 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable

in all Member States in accordance with the Regulation on the common organisation of the market in the product in question to the basic products listed in Annex A to Regulation (EC) No 1520/2000 or to assimilated products.

- (6) Article 12(1) of Regulation (EC) No 1255/1999 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.
- (7) Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs⁽³⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.
- (8) In accordance with Council Regulation (EC) No 1676/2004 of 24 September 2004 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Bulgaria and the exportation of certain processed agricultural products to Bulgaria⁽⁴⁾ with effect from 1 October 2004, processed agricultural products not listed in Annex I to the Treaty which are exported to Bulgaria are not eligible for export refunds.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex A to Regulation (EC) No 1520/2000 and in Article 1 of Regulation (EC) No 1255/1999, and exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999 shall be fixed as set out in the Annex to this Regulation.

Article 2

By way of derogation from Article 1 and with effect from 1 October 2004, the rates set out in the Annex are not applicable to goods not covered by Annex I to the Treaty when exported to Bulgaria.

Article 3

This Regulation shall enter into force on 29 October 2004.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 177, 15.7.2000, p. 1. Regulation as last amended by Commission Regulation (EC) No 886/2004 (OJ L 168, 1.5.2004, p. 14).

⁽³⁾ OJ L 350, 20.12.1997, p. 3. Regulation as last amended by Commission Regulation (EC) No 921/2004 (OJ L 163, 30.4.2004, p. 94).

⁽⁴⁾ OJ L 301, 28.9.2004, p. 1.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 October 2004.

For the Commission
Olli REHN
Member of the Commission

ANNEX

Rates of the refunds applicable from 29 October 2004 to certain milk products exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)

CN code	Description	Rate of refund	
		In case of advance fixing of refunds	Other
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):		
	(a) on exportation of goods of CN code 3501	—	—
	(b) on exportation of other goods	29,00	29,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):		
	(a) where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported	36,05	36,05
	(b) on exportation of other goods	70,00	70,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):		
	(a) where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported	46,00	46,00
	(b) on exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	138,25	138,25
	(c) on exportation of other goods	131,00	131,00

COMMISSION REGULATION (EC) No 1874/2004**of 28 October 2004****amending Directives 2004/17/EC and 2004/18/EC of the European Parliament and of the Council in respect of their application thresholds for the procedures for the award of contracts****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors⁽¹⁾, and in particular Article 69 thereof,

Having regard to Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts⁽²⁾, and in particular Article 78 thereof,

After consultation of the Advisory Committee for Public Contracts,

Whereas:

- (1) By Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multi-lateral negotiations (1986-1994)⁽³⁾ the Council approved the Agreement on government procurement, hereinafter referred to as 'the Agreement', shown in Annex 4 to that Decision. Under the terms of the Agreement, the rules it lays down are to be complied with as soon as the contracts in question reach or surpass the amounts, hereinafter referred to as 'thresholds', set in the Agreement and expressed as special drawing rights.
- (2) Directives 2004/17/EC and 2004/18/EC have as one of their objectives the goal of allowing the contracting entities and the contracting authorities which apply them to comply at the same time with the obligations laid down in the Agreement. To achieve this, the Commission must check the thresholds laid down by the Directives to which the Agreement relates and, where necessary, revise them upwards or downwards so as to ensure that they correspond to the euro equivalents, rounded down to the nearest thousand, of the thresholds set in the Agreement. The values of the thresholds under the Directives are not the same as the values of the thresholds under the Agreement, recalculated to cover the period from 1 January 2004 to 31 December 2005⁽⁴⁾. They should therefore be revised.

(3) Furthermore, in Directives 2004/17/EC and 2004/18/EC, in order to reduce the number of thresholds to be complied with, those thresholds which are independent of the Agreement have been aligned on those which result from it. It is therefore appropriate to revise them as well.

(4) The amendments do not affect the national provisions implementing Directives 2004/17/EC and 2004/18/EC starting from lower thresholds than the thresholds specified in the Directives.

(5) Directives 2004/17/EC and 2004/18/EC should therefore be modified accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Directive 2004/17/EC is amended as follows:

1. Article 16 is amended as follows:

- (a) in point (a), the amount 'EUR 499 000' is replaced by 'EUR 473 000',
- (b) in point (b), the amount 'EUR 6 242 000' is replaced by 'EUR 5 923 000'.

2. Article 61 is amended as follows:

- (a) in paragraph 1, the amount 'EUR 499 000' is replaced by 'EUR 473 000',
- (b) in paragraph 2, the amount 'EUR 499 000' is replaced by 'EUR 473 000'.

Article 2

Directive 2004/18/EC is amended as follows:

1. Article 7 is amended as follows:

- (a) in point (a), the amount 'EUR 162 000' is replaced by 'EUR 154 000',
- (b) in point (b), the amount 'EUR 249 000' is replaced by 'EUR 236 000',
- (c) in point (c), the amount 'EUR 6 242 000' is replaced by 'EUR 5 923 000';

⁽¹⁾ OJ L 134, 30.4.2004, p. 1.

⁽²⁾ OJ L 134, 30.4.2004, p. 114.

⁽³⁾ OJ L 336, 23.12.1994, p. 1.

⁽⁴⁾ OJ C 309, 19.12.2003, p. 14.

2. The first paragraph of Article 8 is amended as follows:

(a) in point (a), the amount 'EUR 6 242 000' is replaced by 'EUR 5 923 000',

(b) in point (b) the amount 'EUR 249 000' is replaced by 'EUR 154 000';

3. In Article 56, the amount 'EUR 6 242 000' is replaced by 'EUR 5 923 000';

4. In the first subparagraph of Article 63(1), the amount 'EUR 6 242 000' is replaced by 'EUR 5 923 000';

5. Article 67(1) is amended as follows:

(a) in point (a), the amount 'EUR 162 000' is replaced by 'EUR 154 000',

(b) in point (b), the amount 'EUR 249 000' is replaced by 'EUR 236 000',

(c) in point (c), the amount 'EUR 249 000' is replaced by 'EUR 236 000'.

Article 3

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 October 2004.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

COMMISSION REGULATION (EC) No 1875/2004**of 28 October 2004****amending Annexes II and III to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin as regards sodium salicylate and fenvalerate****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

concerning that substance, and the validity of the provisional maximum residue limits should therefore be extended to 1 July 2006.

Having regard to the Treaty establishing the European Community,

(4) Regulation (EEC) No 2377/90 should be amended accordingly.

Having regard to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin⁽¹⁾, and in particular Article 3 and the third paragraph of Article 4 thereof,

(5) An adequate period should be allowed before the applicability of this Regulation in order to enable Member States to make any adjustment, which may be necessary in the light of this Regulation, to the authorisations to place the veterinary medicinal products concerned on the market, which have been granted in accordance with Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products⁽²⁾, to take account of the provisions of this Regulation.

Having regard to the opinions of the European Agency for the Evaluation of Medicinal Products formulated by the Committee for Veterinary Medicinal Products,

Whereas:

(6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

(1) All pharmacologically active substances which are used within the Community in veterinary medicinal products intended for administration to food-producing animals should be evaluated in accordance with Regulation (EEC) No 2377/90.

HAS ADOPTED THE FOLLOWING REGULATION:

Article 1

(2) The substance sodium salicylate has been included in Annex II for all food producing species except fish but only for topical use. The entry should be extended to cover oral use in bovine and porcine species, with the exception of animals producing milk for human consumption.

Annexes II and III to Regulation (EEC) No 2377/90 are amended in accordance with the Annex to this Regulation.

Article 2

(3) The provisional maximum residue limit for fenvalerate expires on 1 July 2004. It has proven expedient to allow for the completion of the scientific studies

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Union*.

It shall apply from 28 December 2004.

⁽¹⁾ OJ L 224, 18.8.1990, p. 1. Regulation as last amended by Commission Regulation (EC) No 1851/2004 (OJ L 323, 26.10.2004, p. 6).

⁽²⁾ OJ L 311, 28.11.2001, p. 1. Directive as last amended by Directive 2004/28/EC (OJ L 136, 30.4.2004, p. 58).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 October 2004.

For the Commission
Olli REHN
Member of the Commission

ANNEX

A. The following substance(s) is (are) inserted in Annex II to Regulation (EEC) No 2377/90.

2. Organic compounds

Pharmacologically active substance(s)	Animal species
'Sodium salicylate	Bovine, porcine ⁽¹⁾
⁽¹⁾ For oral use; not for use in animals from which milk is produced for human consumption.'	

B. The following substance(s) is (are) inserted in Annex III to Regulation (EEC) No 2377/90.

2. Antiparasitic agents
2.2. Agents acting against ectoparasites
2.2.3. Pyrethroids

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues
'Fenvalerate ⁽¹⁾	Fenvalerate (sum of RR, SS, RS and SR isomers)	Bovine	25 µg/kg 250 µg/kg 25 µg/kg 25 µg/kg 40 µg/kg	Muscle Fat Liver Kidney Milk

⁽¹⁾ Provisional MRLs expire on 1 July 2006.'

COMMISSION REGULATION (EC) No 1876/2004**of 28 October 2004****amending Annex I of Regulation (EC) No 953/2003 to avoid trade diversion into the European Union of certain key medicines**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 953/2003 of 26 May 2003 to avoid trade diversion into the European Union of certain key medicines⁽¹⁾, and in particular Article 4(8) thereof,

Whereas:

- (1) The Commission has received applications under Article 4 of Regulation (EC) No 953/2003 with respect to certain pharmaceutical products.
- (2) The Commission has determined that the applications received fulfil the requirements set out in Regulation (EC) No 953/2003 in accordance with the procedure laid down in Article 5(2) of that Regulation.

(3) The applicants have been informed of the Commission decision to accept their applications.

(4) It is therefore necessary to add the products concerned to Annex I to Regulation (EC) No 953/2003,

HAS ADOPTED THIS REGULATION:

Article 1

The products and other details mentioned in the Annex to this Regulation shall be added to Annex I to Regulation (EC) No 953/2003 to avoid trade diversion into the European Union of certain key medicines.

Article 2

This regulation enters into force on the day following its publication in the *Official Journal of the European Union*.

It shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 October 2004.

For the Commission

Pascal LAMY

Member of the Commission

⁽¹⁾ OJ L 135, 3.6.2003, p. 5.

ANNEX

Product	Manufacturer/exporter	Country of destination	Distinctive features	Date of approval	CN/TARIC code (1)
TRIZIVIR 750 mg × 60	Glaxo Smith Kline, GSK House, 980 Great West Road, Brentford, Middlesex, TW8 9GS, United Kingdom	Afghanistan Angola Armenia Azerbaijan Bangladesh Benin	Distinctive access pack — trilingual text	19.4.2004	3004 90 19
EPIVIR 150 mg × 60	Glaxo Smith Kline, GSK House, 980 Great West Road, Brentford, Middlesex, TW8 9GS, United Kingdom	Bhutan Botswana Burkina Faso Burundi Cambodia Cameroon Cape Verde Central African Republic	Distinctive access pack — trilingual text	19.4.2004	3004 90 19
RETROVIR 250 mg × 40	Glaxo Smith Kline, GSK House, 980 Great West Road, Brentford, Middlesex, TW8 9GS, United Kingdom	Chad Comoros Congo Côte d'Ivoire Djibouti DR Congo East Timor Equatorial Guinea	General export pack (blue) not used in EU French hospital pack — Franco-phone markets	19.4.2004	3004 90 19
RETROVIR 300 mg × 60	Glaxo Smith Kline, GSK House, 980 Great West Road, Brentford, Middlesex, TW8 9GS, United Kingdom	Eritrea Ethiopia Gambia Ghana Guinea Guinea Bissau Haiti Honduras	General export pack (blue) not used in EU French hospital pack — Franco-phone markets	19.4.2004	3004 90 19
RETROVIR 100 mg × 100	Glaxo Smith Kline, GSK House, 980 Great West Road, Brentford, Middlesex, TW8 9GS, United Kingdom	India Indonesia Kenya Kiribati Korea (Dem Rep) Kyrgyz Republic Lao People's DR Lesotho Liberia	General export pack (blue) not used in EU French hospital pack — Franco-phone markets	19.4.2004	3004 90 19
COMBIVIR 300/150 mg × 60	Glaxo Smith Kline, GSK House, 980 Great West Road, Brentford, Middlesex, TW8 9GS, United Kingdom	Madagascar Malawi Maldives Mali Mauritania Moldova Mongolia Mozambique Myanmar	Distinctive access pack — trilingual text Bottle (rather than blister pack) "A22" embossed tablets	19.4.2004	3004 90 19
EPIVIR ORAL SOLUTION 10 mg/ml 240 ml	Glaxo Smith Kline, GSK House, 980 Great West Road, Brentford, Middlesex, TW8 9GS, United Kingdom	Namibia Nepal Nicaragua Niger Nigeria Pakistan Rwanda Samoa Sao Tome and Principe Senegal Sierra Leone Solomon Islands	Distinctive access pack — trilingual text	19.4.2004	3004 90 19

Product	Manufacturer/exporter	Country of destination	Distinctive features	Date of approval	CN/TARIC code ⁽¹⁾
ZIAGEN 300 mg × 60	Glaxo Smith Kline, GSK House, 980 Great West Road, Brentford, Middlesex, TW8 9GS, United Kingdom	Somalia South Africa Sudan Swaziland Tajikistan Tanzania Togo Tuvalu	General export pack — not used in EU French hospital pack — Franco- phone countries	20.9.2004	3004 90 19
RETROVIR ORAL SOLUTION 10 mg/ml 200 ml	Glaxo Smith Kline, GSK House, 980 Great West Road, Brentford, Middlesex, TW8 9GS, United Kingdom	Uganda Vanuatu Yemen Zambia Zimbabwe	Distinctive access pack — trilingual text	20.9.2004	3004 90 19

(¹) Only if applicable.

COMMISSION REGULATION (EC) No 1877/2004**of 28 October 2004****amending Annex IIIB of Regulation (EC) No 517/94 as regards quotas for Serbia and Montenegro**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 517/94 of 7 March 1994 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules⁽¹⁾, and in particular Article 5 thereof,

Whereas:

(1) Regulation (EC) No 517/94 establishes the annual quantitative limits for certain textile products originating in Serbia and Montenegro⁽²⁾.

(2) Serbia and Montenegro is currently at a critical junction of its reform process. It is important at this stage to support the political and economic reforms undertaken in this state and to keep the country well on track towards the European Union's Stabilisation and Association process.

(3) Improving trade opportunities for Serbia and Montenegro in areas in which the country possesses comparative economic advantages is of great importance to underpin the country's economic and political reforms and to further its integration into European structures.

(4) The proposed increase is part of an overall process of promoting closer trade relations with Serbia and Montenegro, which includes the negotiations on a textiles agreement with Serbia and Montenegro to achieve bilateral liberalisation.

(5) It is therefore important to improve market access specifically for textiles and to review the quotas currently

applicable on imports of textile products originating in Serbia and Montenegro. This further improvement reflects the overall progress achieved so far in the technical talks leading to the negotiation of a textile agreement, and the Agreed Minutes signed on 15 June 2004.

(6) Further imports within the EU of certain categories of textile products are presently no longer possible because the respective quotas have been exhausted. Serbia and Montenegro, as well as Member States, has requested that the quotas be increased.

(7) It is appropriate to increase the levels of quotas for Serbia and Montenegro in order to absorb pending import requests for categories 6, 7 and 15, and for category 16 where the quantitative limits are nearly exhausted.

(8) Regulation (EC) No 517/94 should therefore be amended accordingly.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Textiles Committee, as referred to in Article 25 of Regulation (EC) No 517/94,

HAS ADOPTED THIS REGULATION:

Article 1

Annex IIIB to Regulation (EC) No 517/94 is replaced as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 67, 10.3.1994, p. 1, as last amended by Commission Regulation (EC) No 2309/2003 (OJ L 342, 30.12.2003, p. 21).

⁽²⁾ Formerly the Federal Republic of Yugoslavia (FRY).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 October 2004.

For the Commission
Pascal LAMY
Member of the Commission

ANNEX

‘ANNEX III B

Annual Community quantitative limits referred to in the fourth indent of Article 2(1)
Serbia and Montenegro

Category	Unit	Quantity
1	tonnes	2 350
2	tonnes	2 853
2a	tonnes	645
3	tonnes	312
5	1 000 pieces	1 326
6	1 000 pieces	713
7	1 000 pieces	386
8	1 000 pieces	1 109
9	tonnes	292
15	1 000 pieces	552
16	1 000 pieces	279
67	tonnes	244’

COMMISSION REGULATION (EC) No 1878/2004**of 28 October 2004****derogating from Council Regulation No 136/66/EEC and Council Regulation (EEC) No 2261/84 as regards the fixing of the olive yields and oil yields in Cyprus, Malta and Slovenia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular the first paragraph of Article 41 thereof,

Whereas:

- (1) Article 18 of Council Regulation (EEC) No 2261/84 of 17 July 1984 laying down general rules on the granting of aid for the production of olive oil and of aid to olive oil producer organisations⁽¹⁾ provides that the olive yields and oil yields referred to in Article 5(7) of Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats⁽²⁾ are to be fixed by homogeneous production zone on the basis of the figures supplied by producer Member States.
- (2) The statistical results for Cyprus, Malta and Slovenia, in view of their modest production levels, are obtained on the basis of a single regional area and a small sample that does not permit an accurate national figure to be

obtained. The resultant data would thus be inconsistent and unusable for the purposes of controls.

- (3) In order to relieve Cyprus, Malta and Slovenia of the heavy administrative burden in applying the method for estimating yields solely for the 2004/05 marketing year, which in any case would produce an inadequate result, a derogation should be made from Article 5(7) of Regulation No 136/66/EEC and Article 18 of Regulation (EEC) No 2261/84 and no olive yields or oil yields should be fixed for those Member States for that marketing year.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS REGULATION:

Article 1

For the 2004/05 marketing year, Article 5(7) of Regulation No 136/66/EEC and Article 18 of Regulation (EEC) No 2261/84 shall not apply to Cyprus, Malta and Slovenia.

Article 2

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 October 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 208, 3.8.1984, p. 3. Regulation as last amended by Commission Regulation (EC) No 1639/1998 (OJ L 210, 28.7.1998, p. 38).

⁽²⁾ OJ 172, 30.9.1966, p. 3025/66. Regulation as last amended by Commission Regulation (EC) No 865/2004 (OJ L 161, 30.4.2004, p. 97).

COMMISSION REGULATION (EC) No 1879/2004**of 28 October 2004****fixing the export refunds on products processed from cereals and rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals⁽¹⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

(1) Article 13 of Regulation (EC) No 1784/2003 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund.

(2) Article 13 of Regulation (EC) No 3072/95 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other. The same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market.

(3) Article 4 of Commission Regulation (EC) No 1518/95⁽³⁾ on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated.

(4) The refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of

the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product.

(5) There is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products. For certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time.

(6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.

(7) The refund must be fixed once a month. It may be altered in the intervening period.

(8) Certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinised starch, no export refund is to be granted.

(9) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(d) of Regulation (EC) No 1784/2003 and in Article 1(1)(c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 29 October 2004.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 329, 30.12.1995, p. 18. Regulation as last amended by Commission Regulation (EC) No 411/2002 (OJ L 62, 5.3.2002, p. 27).

⁽³⁾ OJ L 147, 30.6.1995, p. 55. Regulation as last amended by Regulation (EC) No 2993/95 (OJ L 312, 23.12.1995, p. 25).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 October 2004.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to Commission Regulation of 28 October 2004 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 ⁽¹⁾	C10	EUR/t	43,13	1104 23 10 9300	C10	EUR/t	35,43
1102 20 10 9400 ⁽¹⁾	C10	EUR/t	36,97	1104 29 11 9000	C10	EUR/t	0,00
1102 20 90 9200 ⁽¹⁾	C10	EUR/t	36,97	1104 29 51 9000	C10	EUR/t	0,00
1102 90 10 9100	C11	EUR/t	0,00	1104 29 55 9000	C10	EUR/t	0,00
1102 90 10 9900	C11	EUR/t	0,00	1104 30 10 9000	C10	EUR/t	0,00
1102 90 30 9100	C11	EUR/t	0,00	1104 30 90 9000	C10	EUR/t	7,70
1103 19 40 9100	C10	EUR/t	0,00	1107 10 11 9000	C13	EUR/t	0,00
1103 13 10 9100 ⁽¹⁾	C10	EUR/t	55,46	1107 10 91 9000	C13	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	C10	EUR/t	43,13	1108 11 00 9200	C10	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	C10	EUR/t	36,97	1108 11 00 9300	C10	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	C10	EUR/t	36,97	1108 12 00 9200	C10	EUR/t	49,30
1103 19 10 9000	C10	EUR/t	0,00	1108 12 00 9300	C10	EUR/t	49,30
1103 19 30 9100	C10	EUR/t	0,00	1108 13 00 9200	C10	EUR/t	49,30
1103 20 60 9000	C12	EUR/t	0,00	1108 13 00 9300	C10	EUR/t	49,30
1103 20 20 9000	C11	EUR/t	0,00	1108 19 10 9200	C10	EUR/t	0,00
1104 19 69 9100	C10	EUR/t	0,00	1108 19 10 9300	C10	EUR/t	0,00
1104 12 90 9100	C10	EUR/t	0,00	1109 00 00 9100	C10	EUR/t	0,00
1104 12 90 9300	C10	EUR/t	0,00	1702 30 51 9000 ⁽²⁾	C10	EUR/t	48,29
1104 19 10 9000	C10	EUR/t	0,00	1702 30 59 9000 ⁽²⁾	C10	EUR/t	36,97
1104 19 50 9110	C10	EUR/t	49,30	1702 30 91 9000	C10	EUR/t	48,29
1104 19 50 9130	C10	EUR/t	40,05	1702 30 99 9000	C10	EUR/t	36,97
1104 29 01 9100	C10	EUR/t	0,00	1702 40 90 9000	C10	EUR/t	36,97
1104 29 03 9100	C10	EUR/t	0,00	1702 90 50 9100	C10	EUR/t	48,29
1104 29 05 9100	C10	EUR/t	0,00	1702 90 50 9900	C10	EUR/t	36,97
1104 29 05 9300	C10	EUR/t	0,00	1702 90 75 9000	C10	EUR/t	50,61
1104 22 20 9100	C10	EUR/t	0,00	1702 90 79 9000	C10	EUR/t	35,12
1104 22 30 9100	C10	EUR/t	0,00	2106 90 55 9000	C10	EUR/t	36,97
1104 23 10 9100	C10	EUR/t	46,22				

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinisation of the starch.

⁽²⁾ Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), as amended.

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The numeric destination codes are set out in Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are as follows:

C10: All destinations

C11: All destinations except for Bulgaria

C12: All destinations except for Romania

C13: All destinations except for Bulgaria and Romania

COMMISSION REGULATION (EC) No 1880/2004**of 28 October 2004****fixing the export refunds on rice and broken rice and suspending the issue of export licences**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice⁽¹⁾, and in particular Article 14(3) and 19 thereof,

Whereas:

- (1) Article 14 of Regulation (EC) No 1785/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Article 14 of Regulation (EC) No 1785/2003, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other. The same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 300 of the Treaty.
- (3) Commission Regulation (EEC) No 1361/76⁽²⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum.
- (4) As the standing invitations to tender for the export refunds on rice have ended for this year, refunds in ordinary law for this product need no longer be fixed. Account should be taken of this when the refunds are fixed.
- (5) Article 14(5) of Regulation (EC) No 1785/2003 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated.
- (6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (7) A separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets.
- (8) The refund must be fixed at least once a month; whereas it may be altered in the intervening period.
- (9) It follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto.
- (10) For the purposes of administering the volume restrictions resulting from Community commitments in the context of the WTO, the issue of export licences with advance fixing of the refund should be restricted.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EC) No 1785/2003 with the exception of those listed in paragraph 1(c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

The issue of export licences with advance fixing of the refund is hereby suspended.

Article 3

This Regulation shall enter into force on 29 October 2004.

⁽¹⁾ OJ L 270, 21.10.2003, p. 96.

⁽²⁾ OJ L 154, 15.6.1976, p. 11.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 October 2004.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 28 October 2004 fixing the export refunds on rice and broken rice and suspending the issue of export licences

Product code	Destination	Unit of measurement	Amount of refunds ⁽¹⁾	Product code	Destination	Unit of measurement	Amount of refunds ⁽¹⁾
1006 20 11 9000	R01	EUR/t	0	1006 30 65 9900	R01	EUR/t	0
1006 20 13 9000	R01	EUR/t	0		066	EUR/t	0
1006 20 15 9000	R01	EUR/t	0		A97	EUR/t	0
1006 20 17 9000	—	—	—	1006 30 67 9100	021 and 023	EUR/t	0
1006 20 92 9000	R01	EUR/t	0		066	EUR/t	0
1006 20 94 9000	R01	EUR/t	0	1006 30 67 9900	066	EUR/t	0
1006 20 96 9000	R01	EUR/t	0	1006 30 92 9100	R01	EUR/t	0
1006 20 98 9000	—	—	—		R02	EUR/t	0
1006 30 21 9000	R01	EUR/t	0		R03	EUR/t	0
1006 30 23 9000	R01	EUR/t	0		066	EUR/t	0
1006 30 25 9000	R01	EUR/t	0		A97	EUR/t	0
1006 30 27 9000	—	—	—		021 and 023	EUR/t	0
1006 30 42 9000	R01	EUR/t	0	1006 30 92 9900	R01	EUR/t	0
1006 30 44 9000	R01	EUR/t	0		A97	EUR/t	0
1006 30 46 9000	R01	EUR/t	0		066	EUR/t	0
1006 30 48 9000	—	—	—	1006 30 94 9100	R01	EUR/t	0
1006 30 61 9100	R01	EUR/t	0		R02	EUR/t	0
	R02	EUR/t	0		R03	EUR/t	0
	R03	EUR/t	0		066	EUR/t	0
	066	EUR/t	0		A97	EUR/t	0
	A97	EUR/t	0		021 and 023	EUR/t	0
1006 30 61 9900	021 and 023	EUR/t	0	1006 30 94 9900	R01	EUR/t	0
	R01	EUR/t	0		A97	EUR/t	0
	A97	EUR/t	0		066	EUR/t	0
1006 30 63 9100	R01	EUR/t	0	1006 30 96 9100	R01	EUR/t	0
	R02	EUR/t	0		R02	EUR/t	0
	R03	EUR/t	0		R03	EUR/t	0
	066	EUR/t	0		066	EUR/t	0
	A97	EUR/t	0		A97	EUR/t	0
1006 30 63 9900	021 and 023	EUR/t	0		021 and 023	EUR/t	0
	R01	EUR/t	0	1006 30 96 9900	R01	EUR/t	0
	066	EUR/t	0		A97	EUR/t	0
	A97	EUR/t	0		066	EUR/t	0
1006 30 65 9100	R01	EUR/t	0	1006 30 98 9100	021 and 023	EUR/t	0
	R02	EUR/t	0	1006 30 98 9900	—	—	—
	R03	EUR/t	0	1006 40 00 9000	—	—	—
	066	EUR/t	0				
	A97	EUR/t	0				
	021 and 023	EUR/t	0				

⁽¹⁾ The procedure laid down in Article 8(3) of Commission Regulation (EC) No 1342/2003 (OJ L 189, 29.7.2003, p. 12) applies to licences applied for under that Regulation for quantities according to the destination:

destination R01: 0 t,
destinations R02 and R03: 0 t,
destinations 021 and 023: 0 t,
destination 066: 0 t,
destination A97: 0 t.

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are defined as follows:

R01 Switzerland, Liechtenstein, communes of Livigno and Campione d'Italia.

R02 Morocco, Algeria, Tunisia, Egypt, Israel, Lebanon, Libya, Syria, Ex-Spanish Sahara, Jordan, Iraq, Iran, Yemen, Kuwait, United Arab Emirates, Oman, Bahrain, Qatar, Saudi Arabia, Eritrea, West Bank/Gaza Strip, Norway, Faroe Islands, Iceland, Russia, Belarus, Bosnia and Herzegovina, Croatia, Serbia and Montenegro, former Yugoslav Republic of Macedonia, Albania, Bulgaria, Georgia, Armenia, Azerbaijan, Moldova, Ukraine, Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan.

R03 Colombia, Ecuador, Peru, Bolivia, Chile, Argentina, Uruguay, Paraguay, Brazil, Venezuela, Canada, Mexico, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, Cuba, Bermuda, South Africa, Australia, New Zealand, Hong Kong SAR, Singapore, A40 except the Netherlands Antilles, Aruba, Turks and Caicos Islands, A11 except Suriname, Guyana, Madagascar.

COMMISSION REGULATION (EC) No 1881/2004**of 28 October 2004****fixing the export refunds on cereal-based compound feedingstuffs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals⁽¹⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EC) No 1784/2003 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice⁽²⁾ in Article 2 lays down general rules for fixing the amount of such refunds.
- (3) That calculation must also take account of the cereal products content. In the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds

and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products. A refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff.

- (4) Furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export.
- (5) The current situation on the cereals market and, in particular, the supply prospects mean that the export refunds should be abolished.
- (6) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EC) No 1784/2003 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 29 October 2004.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 October 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 147, 30.6.1995, p. 51.

ANNEX

to the Commission Regulation of 28 October 2004 fixing the export refunds on cereal-based compound feeding-stuffs

Product codes benefiting from export refund:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000,

Cereal products	Destination	Unit of measurement	Amount of refunds
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	C10	EUR/t	0,00
Cereal products excluding maize and maize products	C10	EUR/t	0,00

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

C10: All destinations.

COMMISSION REGULATION (EC) No 1882/2004**of 28 October 2004****fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals⁽¹⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice⁽²⁾, and in particular Article 14(3) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EC) No 1784/2003 and Article 14(1) of Regulation (EC) No 1785/2003 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds⁽³⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 as appropriate.
- (3) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations

without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

- (5) Taking into account the settlement between the European Community and the United States of America on Community exports of pasta products to the United States, approved by Council Decision 87/482/EEC⁽⁴⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.
- (6) Pursuant to Article 4(3) and (5) of Regulation (EC) No 1520/2000, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93⁽⁵⁾, for the basic product in question, used during the assumed period of manufacture of the goods.
- (7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 to the Act of Accession of the United Kingdom, Ireland and Denmark provides that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.
- (8) In accordance with Council Regulation (EC) No 1676/2004 of 24 September 2004 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Bulgaria and the exportation of certain processed agricultural products to Bulgaria⁽⁶⁾ with the effect from 1 October 2004, processed agricultural products not listed in Annex I to the Treaty which are exported to Bulgaria are not eligible for the export refunds.
- (9) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 270, 21.10.2003, p. 96.

⁽³⁾ OJ L 177, 15.7.2000, p. 1. Regulation as last amended by Commission Regulation (EC) No 886/2004 (OJ L 163, 1.5.2004, p. 14).

⁽⁴⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁵⁾ OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1548/2004 (OJ L 280, 31.8.2004, p. 11).

⁽⁶⁾ OJ L 301, 28.9.2004, p. 1

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex A to Regulation (EC) No 1520/2000 and in Article 1 of Regulation (EC) No 1784/2003 or in Article 1(1) of Regulation (EC) No 1785/2003, exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 respectively, are fixed as shown in the Annex to this Regulation.

Article 2

By way of derogation from Article 1 and with effect from 1 October 2004, the rates set out in the Annex shall not be applicable to goods not covered by Annex I to the Treaty when exported to Bulgaria.

Article 3

This Regulation shall enter into force on 29 October 2004.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 October 2004.

For the Commission

Olli REHN

Member of the Commission

ANNEX

Rates of the refunds applicable from 29 October 2004 to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases	—	—
1001 90 99	Common wheat and meslin:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases:		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾	—	—
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– – in other cases	—	—
1002 00 00	Rye	—	—
1003 00 90	Barley		
	– where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– in other cases	—	—
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of:		
	– starch:		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾	3,081	3,081
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– – in other cases	3,081	3,081
	– glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽⁴⁾ :		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾	2,311	2,311
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– – in other cases	2,311	2,311
	– where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– other (including unprocessed)	3,081	3,081
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:		
	– where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾	3,081	3,081
	– where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– in other cases	3,081	3,081

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product (EUR/100 kg)	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly milled rice:		
	– round grain	—	—
	– medium grain	—	—
	– long grain	—	—
1006 40 00	Broken rice	—	—
1007 00 90	Grain sorghum, other than hybrid for sowing	—	—

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E to Commission Regulation (EC) No 1520/2000 shall be applied (OJ L 177, 15.7.2000, p. 1).

⁽²⁾ The goods concerned fall in under CN code 3505 10 50.

⁽³⁾ Goods listed in Annex III to Regulation (EC) No 1784/2003 or referred to in Article 2 of Regulation (EEC) No 2825/93 (OJ L 258, 16.10.1993, p. 6).

⁽⁴⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

COMMISSION REGULATION (EC) No 1883/2004**of 28 October 2004****fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the market in sugar⁽¹⁾, and in particular Article 27(5)(a) and (15),

Whereas:

(1) Article 27(1) and (2) of Regulation (EEC) No 1260/2001 provides that the differences between the prices in international trade for the products listed in Article 1(1)(a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in Annex V to that Regulation. Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty and the criteria for fixing the amount of such refunds⁽²⁾ specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EC) No 1260/2001.

(2) In accordance with Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kg for each of the basic products in question must be fixed for each month.

(3) Article 27(3) of Regulation (EC) No 1260/2001 lays down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing.

(4) The refunds fixed under this Regulation may be fixed in advance as the market situation over the next few months cannot be established at the moment.

(5) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

(6) In accordance with Council Regulation (EC) No 1676/2004 of 24 September 2004 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Bulgaria and the exportation of certain processed agricultural products to Bulgaria⁽³⁾ with effect from 1 October 2004, processed agricultural products not listed in Annex I to the Treaty which are exported to Bulgaria are not eligible for export refunds.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex A to Regulation (EC) No 1520/2000 and in Article 1(1) and (2) of Regulation (EC) No 1260/2001, and exported in the form of goods listed in Annex V to Regulation (EC) No 1260/2001, are fixed as set out in the Annex to this Regulation.

Article 2

By way of derogation from Article 1 and with effect from 1 October 2004, the rates set out in the Annex shall not be applicable to goods not covered by Annex I to the Treaty when exported to Bulgaria.

Article 3

This Regulation shall enter into force on 29 October 2004.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

⁽²⁾ OJ L 177, 15.7.2000, p. 1. Regulation as last amended by Regulation (EC) No 740/2003 (OJ L 106, 29.4.2003, p. 12).

⁽³⁾ OJ L 301, 28.9.2004, p. 1.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 October 2004.

For the Commission
Olli REHN
Member of the Commission

ANNEX

Rates of refunds applicable from 29 October 2004 to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty

CN code	Description	Rate of refund in EUR/100 kg	
		In case of advance fixing of refunds	Other
1701 99 10	white sugar	43,00	43,00

COMMISSION REGULATION (EC) No 1884/2004**of 28 October 2004****fixing the maximum export refund on barley in connection with the invitation to tender issued in
Regulation (EC) No 1757/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 13(3) thereof,

Whereas:

(1) An invitation to tender for the refund for the export of barley to certain third countries was opened pursuant to Commission Regulation (EC) No 1757/2004 ⁽²⁾.

(2) In accordance with Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, the Commission may, on the basis of the tenders notified, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95.

In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified on 22 to 28 October 2004, pursuant to the invitation to tender issued in Regulation (EC) No 1757/2004, the maximum refund on exportation of barley shall be 18,80 EUR/t.

Article 2

This Regulation shall enter into force on 29 October 2004.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 October 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 313, 12.10.2004, p. 10.

⁽³⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

COMMISSION REGULATION (EC) No 1885/2004**of 28 October 2004****fixing the maximum export refund on oats in connection with the invitation to tender issued in Regulation (EC) No 1565/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals⁽¹⁾, and in particular Article 7 thereof,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽²⁾, and in particular Article 4 thereof,

Having regard to Commission Regulation (EC) No 1565/2004 of 3 September 2004 on a special intervention measure for oats in Finland and Sweden for the 2004/2005 marketing year⁽³⁾,

Whereas:

- (1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries with the

exception of Bulgaria, Norway, Romania and Switzerland was opened pursuant to Regulation (EC) No 1565/2004.

- (2) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should be fixed.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 22 to 28 October 2004, pursuant to the invitation to tender issued in Regulation (EC) No 1565/2004, the maximum refund on exportation of oats shall be EUR 31,95/t.

Article 2

This Regulation shall enter into force on 29 October 2004.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 October 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).

⁽³⁾ OJ L 285, 4.9.2004, p. 3.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 4 October 2004

on guidelines for the employment policies of the Member States

(2004/740/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 128(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament ⁽¹⁾,

Having consulted the European Economic and Social Committee,

Having regard to the Opinion of the Committee of the Regions ⁽²⁾,

Having regard to the Opinion of the Employment Committee,

Whereas:

(1) The European Employment Strategy has the leading role in the implementation of the employment and labour market objectives of the Lisbon strategy. The reform of the European Employment Strategy in 2003 placed the emphasis on medium-term orientation and on the importance of implementation of the full range of policies recommended in the Employment Guidelines.

(2) The Employment Guidelines should be fully reviewed only every three years, while in the intermediate years their updating should remain strictly limited. The

European Employment Taskforce recommended more forceful recommendations and a more effective use of peer review, rather than engaging in a process of further change of the Guidelines.

(3) The conclusions drawn by the European Employment Task Force and the examination of the Member States' National Action Plans for employment, both contained in the Joint Employment Report 2003-2004, show that Member States and the social partners should give priority to increasing the adaptability of workers and enterprises to changing economic conditions and labour market demands; attracting more people to enter and remain in the labour market and making work a real option for all, including by facilitating the access of unemployed young people to their first job and by encouraging older workers to stay in the labour market; investing more and more effectively in human capital and lifelong learning as well as in research and development, including platforms for excellence; and ensuring the effective implementation of reforms through better governance, including efforts aimed at improving democratic involvement, at convincing citizens of the need for reforms and at strengthening links between EU funding, the ESF in particular, and the implementation of the European Employment Guidelines. These priorities are fully consistent with, and can be pursued in the context of, the current Guidelines.

(4) The Employment Guidelines apply to the new Member States since accession.

(5) In addition to these Employment Guidelines, Member States should fully implement the Broad Economic Policy Guidelines and ensure that action is fully consistent with the maintenance of sound public finances and macro-economic stability,

⁽¹⁾ Opinion of 22 April 2004 (not yet published in the Official Journal)

⁽²⁾ Opinion of 29 September 2004 (not yet published in the Official Journal)

HAS DECIDED AS FOLLOWS:

Sole Article

The guidelines for Member States' employment policies as set out in the Annex to Council Decision 2003/578/EC of 22 July 2003 on guidelines for the employment policies of the Member States⁽¹⁾ are maintained and shall be taken into account by the Member States in their employment policies.

Done at Luxembourg, 4 October 2004.

For the Council

The President

A. J. DE GEUS

⁽¹⁾ OJ L 197, 5.8.2003, p. 13.

COUNCIL RECOMMENDATION
of 14 October 2004
on the implementation of Member States' employment policies
(2004/741/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 128(4) thereof,

Having regard to the Commission recommendation,

Having regard to the opinion of the Employment Committee,

Whereas:

National Action Plans for employment contained in the Joint Employment Report 2003-2004 shows that Member States and the social partners have given limited responses to these Council recommendations.

- (1) The European Employment Strategy has the leading role in the implementation of the employment and labour market objectives of the Lisbon strategy. The successful implementation of the Lisbon agenda calls for the employment policies of Member States to foster, in a balanced manner, the three complementary and mutually supportive objectives of full employment, quality and productivity at work, and social cohesion and inclusion. The achievement of these objectives requires further structural reforms concentrating on 10 key specific priorities and improved governance.
- (2) The reform of the European Employment Strategy in 2003 has placed the emphasis on medium-term orientation and on the importance of implementation of the full range of policies recommended in the Employment Guidelines. The Employment Guidelines should therefore be fully reviewed only every three years, while in the intermediate years their updating should remain strictly limited.
- (3) The Council adopted without change the Guidelines for the employment policies of the Member States in 2004 by Decision 2004/740/EC⁽¹⁾.
- (4) The Council adopted a recommendation on the implementation of Member States' employment policies on 22 July 2003⁽²⁾. The examination of the Member States' National Action Plans for employment contained in the Joint Employment Report 2003-2004 shows that Member States and the social partners have given limited responses to these Council recommendations.
- (5) The European Employment Taskforce recommended that the EU should address more forceful recommendations to the Member States. Priority should be given to increasing adaptability of workers and enterprises; attracting more people to enter and remain on the labour market, making work a real option for all; investing more and more effectively in human capital and lifelong learning; and ensuring effective implementation of reforms through better governance. The Council and the Commission share this assessment and have integrated the policy messages of the Employment Taskforce report in the Joint Employment Report.
- (6) The analysis of the implementation of the Guidelines and 2003 Council recommendations in the Joint Employment Report and the general and country-specific policy messages in the Employment Taskforce report provide the basis for the formulation of the EU recommendations for national employment policies in 2004.
- (7) The Employment Guidelines apply to the new Member States since accession. All of the new Member States have reported over the last few years on the implementation of Joint Assessment Papers (JAP) which refer to the Employment Guidelines. To successfully pursue the ongoing restructuring of their economies, most new Member States, together with the social partners, need to further develop their efforts to modernise their employment policies. A new balance between flexibility and security, increased participation in employment and investment in human capital through lifelong learning are essential, as is the need to improve the health of the workforce. Social partnership, and significant improvements in the administrative capacity of public authorities are still crucial in most new Member States to achieve full implementation and efficient use of European Social Fund support, a major tool for investing in human capital and lifelong learning.
- (8) The country-specific messages contained in the report of the European Employment Taskforce are fully consistent with the examination of the JAP implementation reports, and may serve as guidance for the implementation of the Employment Guidelines in the new Member States,

⁽¹⁾ See page 45 of this Official Journal.

⁽²⁾ OJ L 197, 5.8.2003, p. 22.

HEREBY RECOMMENDS that the Member States should take the actions specifically referring to them, which are set out in the Annex. This recommendation replaces the Council Recommendation of 22 July 2003.

Done at Luxembourg, 14 October 2004.

For the Council

The President

P. VAN GEEL

ANNEX

COUNTRY SPECIFIC RECOMMENDATIONS AND PRIORITIES

Delivering more and better jobs is the most urgent issue to be addressed. In the context of an overall employment strategy, the Spring European Council stressed that Member States should give urgent attention to four particular challenges: adaptability, attracting more people into the labour market, improving the quality of employment and investing in human capital. The European Council also emphasised that support and advocacy for change must reach beyond governments. In order to generate this support, the European Council called on Member States to build Reform Partnerships involving the social partners, civil society and the public authorities, in accordance with national arrangements and traditions.

The Employment, Social Policy, Health and Consumer Affairs Council's Key Messages, endorsing the assessment of the Employment Taskforce and the analysis in the Joint Employment Report of the implementation of the Guidelines and 2003 Council recommendations, show that all Member States and the social partners should give immediate priority to:

- increasing adaptability of workers and enterprises, *inter alia*, by promoting flexibility combined with security in the labour market; by modernising and broadening the concept of job security; by maximising job creation and raising productivity,
- attracting more people to enter and remain on the labour market: making work a real option for all, *inter alia*, by building comprehensive active ageing strategies; by further developing policies to increase labour market participation; by strengthening active labour market policies, with personalised services to all those seeking employment; by pursuing 'make work pay' policies through both financial and non-financial incentives,
- Investing more and more effectively in human capital and lifelong learning, *inter alia*, by sharing costs and responsibilities between public authorities, companies and individuals; by broadening the supply of training, in particular for those most in need such as the low-skilled and older workers, and
- Ensuring effective implementation of reforms through better governance, *inter alia*, by building reform partnerships to mobilise the support and participation of the social partners and various stakeholders; where appropriate, by defining targets to reflect those set at a European level, and ensuring effective use of public funds; by promoting the role of National Action Plans and increasing their visibility; by strengthening the role of the country-specific recommendations and developing more effective mutual learning.

Within this framework, the country specific recommendations and priorities are set out as follows:

COUNTRY SPECIFIC RECOMMENDATIONS

BELGIUM

Despite positive trends since 1997, the employment rate in Belgium remains markedly below the EU average and far below the Lisbon targets. The employment rate for older workers is amongst the lowest in EU25. The employment rate of non-nationals is strikingly low. After several years of steady decline, unemployment has started to rise. Participation of adults in education and training is stagnating.

The assessment of the Employment Taskforce and the analysis in the Joint Employment Report of the implementation of the EU guidelines and 2003 Council recommendations show that Belgium should give immediate priority to:

Increasing adaptability of workers and enterprises

- better anticipate and accompany restructuring of enterprises, in particular in the case of collective redundancies,
- further reduce non-wage labour costs, in particular for the low-paid while safeguarding budgetary consolidation,
- improve cooperation between regional employment services to support mobility between regions.

Attracting more people to the labour market and making work a real option for all

- review tax and benefit systems to remove subsisting unemployment traps and provide adequate incentives for active job search by reviewing the conditionality of benefits,
- increase the coverage of unemployed adults, disadvantaged young people and immigrants in the measures run by the employment services,
- define a comprehensive strategy for active ageing, access to continuing training, the promotion of a flexible working environment and effective job search for older unemployed workers, including determination in reducing early retirement schemes.

Investing more and more effectively in human capital and lifelong learning

- take action to reduce early school leaving,
- monitor recent inter-professional agreements to raise worker participation in training, with special attention for the low-skilled.

DENMARK

Denmark has employment rates well above the Lisbon employment targets, including for women and older workers. Despite recent increases, particularly hitting graduates and worsening the long-term unemployment, unemployment remains relatively low. Given the high employment rates, a key priority for Denmark is to ensure adequate labour supply in the longer term.

The assessment of the Employment Taskforce and the analysis in the Joint Employment Report of the implementation of the EU guidelines and 2003 Council recommendations show that Denmark should give immediate priority to:

Increasing adaptability of workers and enterprises

- further reduce the overall fiscal pressure on labour safeguarding budgetary consolidation.

Attracting more people to the labour market and making work a real option for all

- pursue a comprehensive strategy for active ageing, including the removal of incentives for early retirement where appropriate,
- review tax and benefit systems to reduce marginal tax rates and raise incentives for low-income groups to work, including the unemployed and the inactive,
- monitor the impact of recent reforms to integrate immigrants into the labour market, in particular of efforts to build up the necessary basic skills required to match job requirements.

Investing more and more effectively in human capital and lifelong learning

- monitor trends in vocational training in the light of recent increases in training fees

GERMANY

The German employment rate is above the EU average but still far below the Lisbon targets. The employment rate for older workers is lagging behind. The employment rate for women exceeds the EU average but is stagnating. While performance varies across regions, overall, the German labour market has benefited from the years of economic growth in the EU between 1997 and 2000. In subsequent years, employment has been on the decline and unemployment has increased. Unemployment and especially long-term unemployment remain among the highest in the EU. Substantial regional disparities between the eastern and western parts of the country persist.

The assessment of the Employment Taskforce and the analysis in the Joint Employment Report of the implementation of the EU guidelines and 2003 Council recommendations show that Germany should give immediate priority to:

Increasing adaptability of workers and enterprises

- review the financing of the social protection systems to reduce non wage labour costs while safeguarding budgetary consolidation,
- encourage the social partners to take responsibility for steadily reflecting local, regional and sectoral differences in productivity and labour market conditions in wage setting, and to aim at further progress in working time flexibility and the provision of training facilities, for example through training accounts (see Broad guidelines of the economic policies of the Member States and of the Community (BEPG) guideline 5),
- promote the development of SMEs, notably through simpler regulation and better access to financing; strengthen the entrepreneurial culture, especially in the Eastern part of the country.

Attracting more people to the labour market and making work a real option for all

- continue reform of the tax and social benefit system, thereby ensuring sufficient incentives to take up work; closely monitor and evaluate the Hartz and other labour market reforms, to ensure a continuous improvement of the public employment services' efficiency in supporting the unemployed,
- review possible tax disincentives to female participation in the labour market; increase childcare facilities, especially in the Western Länder, and improve the correspondence between school schedules and working hours; encourage social partners to take their responsibility to considerably reduce the gender pay gap,
- further develop a comprehensive strategy for active ageing to ensure that people stay in work longer, especially after the age of 60; further encourage part-time work for men and increase access to training for older workers,
- strengthen efforts to integrate immigrants.

Investing more and more effectively in human capital and lifelong learning

- improve education levels of the workforce and strengthen incentives to increase participation in lifelong learning, especially for the low-skilled, SME employees and older workers,
- continue the modernisation of the dual system; reduce early school leaving.

GREECE

Although job creation has increased recently, Greece still has one of the lowest employment rates in the EU, particularly for women, and declining but high unemployment. Undeclared work is substantial. Labour productivity has risen significantly but remains at low levels. Adult participation in training also remains particularly low, especially given the low educational attainment of the working-age population. In recent years, increased immigration has contributed to labour supply.

The assessment of the Employment Taskforce and the analysis in the Joint Employment Report of the implementation of the EU guidelines and 2003 Council recommendations show that Greece should give immediate priority to:

Increasing adaptability of workers and enterprises

- implement fully the agreed labour market reform package; further raise the attractiveness of part-time work and develop temporary work agencies to increase the diversity of work arrangements,
- reduce non-wage labour cost safeguarding budgetary consolidation; do more to transform undeclared work into regular employment by improving the attractiveness of standard and non-standard contracts to employers and employees and strengthening law enforcement capacity,
- promote a more employment-friendly business environment.

Attracting more people to the labour market and making work a real option for all

- take stronger action to increase the level and effectiveness of active labour market policies so as to cover a larger share of the inactive and the unemployed,
- speed up the development of efficient employment services throughout the country offering preventative and personalised services; upgrade the statistical monitoring systems,
- further raise incentives for women to participate in the labour market, including through part-time employment; increase the availability and affordability of care facilities for children and other dependants,
- define a comprehensive strategy for active ageing providing flexible working arrangements, incentives to encourage older workers to remain longer in employment and support for skills development.

Investing more and more effectively in human capital and lifelong learning

- reduce early school leaving and strengthen the labour market relevance of tertiary education,
- review incentives to promote life-long learning and increase participation in training, in particular for the low-skilled and for immigrants.

SPAIN

Between 1997 and 2002, Spain had the highest increase in employment rates and the highest reduction in unemployment rates among the Member States. However, unemployment remains well above the EU average, while the employment rate remains well below. With wide differences in performances across regions, addressing regional disparities remains a priority. Female participation and the employment rate of older workers remain particularly low. Moreover, a particularly high share of people (about a third of all workers) is still employed under fixed-term contracts. Labour productivity remains at low levels. Overall levels of educational attainment and participation of adults in training remain particularly low. In recent years, increased immigration has contributed to labour supply.

The assessment of the Employment Taskforce and the analysis in the Joint Employment Report of the implementation of the EU guidelines and 2003 Council recommendations show that Spain should give immediate priority to:

Increasing adaptability of workers and enterprises

- promote modernisation of work organisation to strengthen productivity and quality at work,
- revise the regulatory framework to make permanent contracts more attractive for employers and to discourage the use of fixed-term contracts so as to counter the segmentation of the labour market; increase the attractiveness of temporary agency work for workers; remove obstacles to part-time work,
- use possibilities of wage differentiation according to productivity developments at local, regional and sectoral levels (see BEPG guideline 5).

Attracting more people to the labour market and making work a real option for all

- raise incentives for women to participate in the labour market; increase the availability and affordability of care facilities for children and other dependants,
- ensure greater access to and efficiency of active labour market measures for disadvantaged people, in particular young people, disabled people, immigrants and long-term unemployed; complete the modernisation of the public employment services, including the statistical monitoring system; strengthen the coordination between regional employment services; and address remaining obstacles to geographical mobility,
- define a comprehensive strategy for active ageing providing flexible working arrangements, incentives to encourage older workers to remain longer in employment and training.

Investing more and more effectively in human capital and lifelong learning

- reduce early school leaving and ensure quality and labour-market relevance of tertiary education,
- strengthen incentives for lifelong learning to increase participation, in particular for the low-skilled.

FRANCE

In France, the overall employment rate is below the EU average. The employment rate for older workers (55-64) is one of the lowest in the EU. Unemployment fell significantly between 1997 and 2000 but has risen again with the economic slowdown. Unemployment remains among the highest in the EU and it is particularly high for young people (15-24). The employment rate of non-nationals is strikingly low, notably for women. The share of fixed-term contracts continues to exceed the EU-15 average, whereas participation of adults in education and training remains just below average.

The assessment of the Employment Taskforce and the analysis in the Joint Employment Report of the implementation of the EU guidelines and 2003 Council recommendations shows that France should give immediate priority to:

Increasing adaptability of workers and enterprises

- facilitate the transition of people employed under fixed-term contracts into permanent contracts to avoid segmentation of the labour market and increase opportunities to remain and progress in the labour market,
- develop a more effective system of anticipation and management of restructuring,
- promote a business-friendly environment for the development of SMEs and monitor progress in increasing number of business start-ups.

Attracting more people to the labour market and making work a real option for all

- monitor the impact of the pension reform on the exit age and develop a comprehensive strategy for active ageing to retain older workers longer in employment by adapting working conditions, greater access to training and determination in reducing early retirement schemes,
- improve coordination of employment services to strengthen the provision of individualised services; build effective pathways to work and training for unemployed young people and for immigrants, notably women,
- ensure proper evaluation of the recent reform of the unemployment insurance system and ensure that it is accompanied by appropriate requirements and effective job search.

Investing more and more effectively in human capital and lifelong learning

- ensure that the social partners' agreement on vocational training and the law on training throughout the working life result in an increased share of the population participating in training, giving particular attention to the low-skilled and workers in SMEs,
- reduce early school leaving; facilitate and encourage wider and easier access to apprenticeships.

IRELAND

Ireland has made impressive progress in terms of employment and productivity performances since 1997. The total employment rate has increased from 56,1 % to 65,3 % while unemployment has fallen by nearly two-thirds and long-term unemployment from 5,6 % to 1,3 %. Female participation in the labour force has improved, but there is still a significant gap between employment rates for women and men, as well as a high gender pay gap. Labour shortages remain a problem although they are eased by increased immigration. A significant element in Ireland's success is its capacity to attract foreign direct investment. Social partnership, its tax system, a good regulatory environment and investment in human capital are also major factors.

The assessment of the Employment Taskforce and the analysis in the Joint Employment Report of the implementation of the EU guidelines and 2003 Council Recommendations shows that Ireland should give immediate priority to:

Attracting more people to the labour market and making work a real option for all

- increase access to active labour market measures for a larger share of the unemployed and inactive population and ensure their effectiveness,
- increase the supply and affordability of childcare facilities and take urgent action to tackle the causes of the gender pay gap.

Investing more and more effectively in human capital and lifelong learning

- implement a coherent lifelong learning strategy to reduce early school leaving and increase participation in training, especially for the low-skilled and for older workers.

ITALY

Despite weak economic conditions employment growth still continues to be positive and confirms the improvements since 1997. However, the employment rate continues to be one of the lowest in the EU. Female participation and the employment rate of older workers also remain among the lowest in EU25. Unemployment decreased over the recent period, but still stands above the EU15 average. With unemployment at about 5 % in the centre-north, compared to 18 % in the south, addressing regional disparities is a priority. Undeclared work still remains particularly significant, even if the employment situation of 700 000 immigrants has been regularised. Overall levels of educational attainment and participation in training remain particularly low.

The assessment of the Employment Taskforce and the analysis in the Joint Employment Report of the implementation of the EU guidelines and 2003 Council recommendations show that Italy should give immediate priority to:

Increasing adaptability of workers and enterprises

- closely monitor the regulatory reforms aimed at reducing the imbalances between permanent and non-permanent contracts and labour market segmentation; improve the level, coverage and effectiveness of unemployment insurance,
- pursue further reductions of non-wage labour costs, especially for the low-paid, safeguarding budgetary consolidation; do more to transform undeclared work into regular employment by removing tax disincentives and improving law enforcement capacity,
- encourage the Social Partners to review wage bargaining systems to take account of regional labour market differences (see BEPG guideline 5).

Attracting more people to the labour market and making work a real option for all

- ensure the development, together with regional authorities, of effective employment services throughout the country and implement partnership between public and private operators; increase access to efficient personalised services and participation in active labour market schemes, especially in the South; give particular attention to the situation of the young, the disadvantaged and the low-skilled; implement a nationwide computerised labour market data system without any further delay,
- increase the availability and affordability of care facilities for children, especially under three years of age, and other dependants to promote female participation in the labour market, including through part time work,
- develop the designed active ageing strategy, and ensure that the envisaged reforms provide adequate incentives to keep workers longer in employment and discouraging early retirement.

Investing more and more effectively in human capital and lifelong learning

- monitor recent reforms to ensure that they raise educational attainment of the workforce, reduce early school-leaving and increase the labour market relevance of tertiary education to aid the transition to work,
- ensure effective incentives for lifelong learning and, together with the Social Partners, increase participation in training, in particular for the low skilled, through, *inter alia*, the effective development of inter-professional funds.

LUXEMBOURG

In Luxembourg, the employment rate is close to the EU average but still below the EU target. Unemployment remains low and the long-term unemployment rate is one of the lowest in the EU.

However, the economic boom of the late 1990s has not led to increased employment rates across the board. New jobs were notably taken up by cross-border workers and women, while employment of older workers remained at a very low level. Participation in education and training remains below the EU15 average.

The assessment of the Employment Taskforce and the analysis in the Joint Employment Report of the implementation of the EU guidelines and 2003 Council recommendations shows that Luxembourg should give immediate priority to:

Increasing adaptability of workers and enterprises

- support the development of start-ups and promote business training with a view to encouraging alternative sources of job creation.

Attracting more people to the labour market and making work a real option for all

- develop a comprehensive strategy for active ageing, notably in the private sector and strengthen recent initiatives to retain workers longer in employment by determination in reducing early retirement schemes,
- promote work-oriented solutions for people covered by the disability scheme who are able to work,
- improve services to facilitate a better reconciliation of work and private life, and encourage women to return to work after long periods outside the labour market; take action to tackle the causes of the gender pay gap.

Investing more and more effectively in human capital and lifelong learning

- ensure effective implementation of the framework law on continuing training with a view to strengthening incentives for lifelong learning and increasing participation in training, notably for the low-skilled,
- revise the overall lifelong learning system to achieve better coherence between the education and training systems and reduce early school leaving.

THE NETHERLANDS

While the employment rates for women and men well exceed the Lisbon targets, the employment rate of immigrants remains low. The labour market is characterised by an exceptionally high level of part-time work (about 44 % of the workforce), and a high number of people on disability benefits. The employment rate of older workers exceeds the EU average but is still far below the EU target.

Unemployment has risen significantly since 2001, although it remains among the lowest in the EU. In the autumn of 2003 the government and the social partners have signed an agreement which, among other things, includes a freeze in the development of wages in 2004 and 2005.

The assessment of the Employment Taskforce and the analysis in the Joint Employment Report of the implementation of the EU guidelines and 2003 Council recommendations shows that the Netherlands should give immediate priority to:

Increasing adaptability of workers and enterprises

- implement and closely monitor wage developments in line with the 'Autumn Agreement' between the government and the social partners (see BEPG guideline 5).

Attracting more people to the labour market and making work a real option for all

- carry out systematic work ability screenings of the people on disability benefits and assist those, who are able to work, to prepare for and find a suitable job; pay special attention to over-represented groups in the disability scheme such as women under the age of 40,
- reinforce the preventative approach for adults; increase effectiveness of and access to active measures for social benefit recipients and those with the greatest risk of inactivity; facilitate the integration of immigrants,
- combine the removal of early retirement schemes with incentives to retain workers longer in work and training, in particular for under-skilled older workers,
- facilitate transition from part-time to full-time jobs; take urgent action to tackle the causes of gender pay gaps; increase the affordability of childcare.

Investing more and more effectively in human capital and lifelong learning

- take action to reduce early school leaving; strengthen incentives to develop lifelong learning and increase participation in training, especially for the low-skilled and the inactive.

AUSTRIA

Austria has achieved a high employment rate overall, and a relatively high employment rate for women, in line with the Lisbon targets. Unemployment is amongst the lowest in the EU. Social partnership plays an important role for modernising work organisation, improving labour legislation and ensuring satisfactory wage developments. The employment rate of older workers, however, is particularly low. Employment growth has slowed down and unemployment has started to rise. Participation of adults in education and training is below the EU average. The gender pay gap remains one of the highest in the EU.

The assessment of the Employment Taskforce and the analysis in the Joint Employment Report of the implementation of the EU guidelines and 2003 Council Recommendations show that Austria should give immediate priority to:

Increasing adaptability of workers and enterprises

- monitor and if necessary complement reforms on severance pay legislation and progress on the planned implementation of entitlement to unemployment benefit for the self-employed to increase levels of occupational mobility.

Attracting more people to the labour market and making work a real option for all

- develop a comprehensive strategy for active ageing, including the removal of early retirement schemes, broadening the incentives to retain older workers longer in employment, notably older women; monitor the impact of the revision of the pension system on the effective exit age and progress towards the national targets,
- take action to tackle the causes of the gender pay gap; increase the availability and affordability of childcare facilities and evaluate the impact of the present childcare allowance scheme on the level and quality of female employment.

Investing more and more effectively in human capital and lifelong learning

- review incentives to increase participation in training, especially for the low-skilled and for immigrants.

PORTUGAL

Portugal is close to achieving the Lisbon target on overall employment and slightly exceeds the employment targets for women and older workers. The recent economic slowdown has led unemployment to rise, although it remains at a relatively low level in comparison to the EU. Levels of productivity, overall levels of educational attainment and access to training remain particularly low. Moreover, a significant share of people (more than 20 %) is employed under fixed-term contracts. In recent years, increased immigration has contributed to labour supply.

The assessment of the Employment Taskforce and the analysis in the Joint Employment Report of the implementation of the EU guidelines and 2003 Council recommendations show that Portugal should give immediate priority to:

Increasing adaptability of workers and enterprises

- promote modernisation of work organisation to strengthen productivity and quality at work,
- building on the new Labour Code, make permanent contracts more attractive to employers as well as employees, and counter the segmentation of the labour market,
- develop a more effective system of anticipation and management of restructuring.

Attracting more people to the labour market and making work a real option for all

- strengthen active labour market measures for the unemployed and the inactive and ensure their efficiency; strengthen efforts to integrate immigrants,
- take action to tackle the causes of the gender pay gap in the private sector and increase the availability and affordability of care facilities for children and other dependants;

- develop a comprehensive active ageing strategy, including removing incentives for early retirement, increasing access to training and providing appropriate working environments.

Investing more and more effectively in human capital and lifelong learning

- ensure that the national strategy for lifelong learning effectively results in raising the educational attainment of the whole workforce, in strengthening the incentives for lifelong learning and in increasing participation in training, in particular for the low-skilled,
- reduce early school leaving and strengthen the labour market relevance of tertiary education.

FINLAND

Finland is close to the overall employment rate target and it exceeds the employment rate target for women. It has achieved a high increase in the participation of older workers over the last decade, coming close to the EU target for older workers. The unemployment rate is above the EU average, and is particularly high for young people.

The assessment of the Employment Taskforce and the analysis in the Joint Employment Report of the implementation of the EU guidelines and 2003 Council Recommendations shows that Finland should give immediate priority to:

Increasing adaptability of workers and enterprises

- reduce non-wage labour costs on the low-paid while maintaining sound public finances.

Attracting more people to the labour market and making work a real option for all

- monitor the impact of recent reforms of active labour market policies on structural unemployment and regional disparities; take special measures to facilitate the activation and integration of disadvantaged young people, disabled people and immigrants,
- further reform tax and benefit systems to remove unemployment traps,
- follow-up the national strategy for active ageing by improving working conditions, incentives and the provision of training for the low-skilled and older workers.

Investing more and more effectively in human capital and lifelong learning

- take action to reduce early school leaving and increase training for the low-skilled.

SWEDEN

Sweden exceeds all EU employment targets including those for women and for older workers. The total unemployment rate stands at about 5%. Efforts should be maintained to avoid labour supply constraints. In view of the ageing population, there will be a need to sustain labour supply by exploiting potential sources of labour among immigrants, the young and the long-term sick, and by improving incentives to work.

The assessment of the Employment Taskforce and the analysis in the Joint Employment Report of the implementation of the EU guidelines and 2003 Council Recommendations show that Sweden should give immediate priority to:

Increasing adaptability of workers and enterprises

- facilitate the development of SMEs in particular by reducing administrative burdens.

Attracting more people to the labour market and making work a real option for all

- address the rising number of people on long-term sick leave by promoting work-oriented solutions and improving conditions of work,
- eliminate remaining unemployment and inactivity traps,
- closely monitor the results of actions to integrate immigrants into the labour force.

Investing more and more effectively in human capital and lifelong learning

- reduce early school-leaving and increase access to training for the low-skilled and the inactive; address the issue of emerging bottlenecks and skills mismatches in low- and medium-skilled sectors.

UNITED KINGDOM

The UK exceeds all the employment rate targets, including those for women and for older workers. Despite the slowdown in the global economy, employment rates have remained fairly stable and unemployment levels are well below the EU average. However, concentrations of economic inactivity, and to a lesser extent unemployment, persist in certain communities and amongst particular groups. Productivity levels, especially as expressed per hour worked, remain comparatively low. This is in part due to the prevalence of low skills amongst the workforce, including insufficient basic skills. The gender pay gap remains one of the largest in the EU.

The assessment of the Employment Taskforce and the analysis in the Joint Employment Report of the implementation of the EU guidelines and 2003 Council Recommendations shows that the United Kingdom should give immediate priority to:

Increasing adaptability of worker and enterprises

- ensure that wage developments do not exceed productivity developments (see BEPG guideline 3).

Attracting more people to the labour market and making work a real option for all

- ensure that active labour market policies and benefit systems prevent de-skilling and promote quality in work, by improving incentives to work and supporting the sustainable integration and progress in the labour market of inactive and unemployed people; address the rising number of people claiming sickness or disability benefits, and give particular attention to lone parents and people living in deprived areas,
- improve the access to and affordability of childcare and care for other dependants, increase access to training for low paid women in part-time work, and take urgent action to tackle the causes of the gender pay gap.

Investing more and more effectively in human capital and lifelong learning

- implement national and regional skills strategies to provide better incentives for lifelong learning and thereby increase productivity and quality in work; place particular emphasis on improving literacy and numeracy of the workforce, the participation and achievement of 16-19 year olds, and low-skilled workers, especially those in poorly paid jobs.

PRIORITIES FOR NEW MEMBER STATES

CYPRUS

The employment rate in Cyprus is well above the EU15 average and unemployment rate is low. The share of foreign workers, who are often employed on a temporary basis, has increased significantly over the years in response to labour market needs.

Increasing adaptability of workers and enterprises

- A particular challenge for Cyprus is to raise innovation capacities and to diversify the service sector.

Attracting more people to the labour market and making work a real option for all

- While female participation stands above the EU average, more can be done to bridge gender gaps. Measures should include improving care facilities, increasing the participation of women in training, and raising the attractiveness of part-time work.
- Foreign workers who come to Cyprus on a temporary basis constitute a large number of the working population. There is therefore a case for a review of policies in relation to the employment of foreign workers, both in terms of their contribution to labour market flexibility and of rights and opportunities for immigrant workers.
- Preventive and active labour market measures should be strengthened to address individual needs and cover a larger share of unemployed and disabled people, ageing job-seekers and women. Strengthening and modernising the public employment services is also a priority.

Investing more and more effectively in human capital and lifelong learning

- Building on the reorganisation of education underway since 2000, Cyprus needs to develop a comprehensive national strategy for lifelong learning. This should contribute to reducing school drop-outs, improving the links between initial education and continuing training and to ensuring greater participation in training.

CZECH REPUBLIC

The employment rate in the Czech Republic is slightly above the EU15 average. Unemployment is around the EU15 average but has been slowly increasing since the mid-1990s. The employment rate of older workers is close to the EU average but low, particularly for women, given the early statutory retirement age. Regional imbalances are important.

Increasing adaptability of workers and enterprises

- In pursuing its strategy for economic and employment growth, the Czech Republic needs to ensure that wage developments remain in line with productivity developments.
- The relatively high tax wedge on labour income and non-wage labour costs hinders job creation and prices low-skilled labour out of the labour market and into welfare benefits and/or into undeclared work. A coherent reform of the tax and benefit system should therefore further discourage welfare dependency and ensure that regular work pays.

Attracting more people to the labour market and making work a real option for all

- While standing above the EU average, raising the participation of women and older workers should be a priority. In this respect, strengthening incentives to part-time work could make an important contribution.
- More efforts are needed to integrate the most vulnerable groups in the labour market. This is particularly needed in regions other than Prague and for the Roma population. This calls for preventive and active labour market measures, combined with anti-discrimination measures, putting a strong emphasis on education, training, support to entrepreneurship and job creation. Modernising the public employment services should be seen as priority.

Investing more and more effectively in human capital and lifelong learning

- Building on the recent strategy for human resources development, raising participation in tertiary education and in training, both overall and for the low-skilled, seem crucial to sustain job creation and support occupational and geographic mobility.

ESTONIA

The employment rate in Estonia is a little below the EU15 average. The unemployment rate has decreased over the years but remains higher than the EU average. Moreover, the share of long-term unemployed is high. Estonia is expected to be most affected by the decline in the working-age population resulting from demographic change.

Increasing adaptability of workers and enterprises

- Reducing the tax wedge on labour, especially on lower wage earners, and promoting contractual and working time diversity could contribute to creating more job opportunities. This should go hand-in-hand with efforts to improve the tax systems and to transform undeclared work into regular jobs. It is also important that wage developments remain in line with productivity developments.

Attracting more people to the labour market and making work a real option for all

- In the light of the rapid decline of its working age population, Estonia should seek to reduce levels of inactivity and to maintain and attract more people in the labour market. It remains essential for Estonia to raise further the participation of women, older workers and the low-skilled.
- To complement to the recent Unemployment Insurance Act, it would seem important to strengthen active labour market measure so as to support active job search, provide greater access to training for the unemployed and ensure that the labour market becomes more inclusive. Public employment services should also benefit from increased resources. Disadvantaged people, such as the long-term unemployed, young people, disabled and older job-seekers, need special attention. Belonging to an ethnic minority and lack of knowledge of the national language are particular risk factors.

Investing more and more effectively in human capital and lifelong learning

- Bearing in mind the risk of mismatches, Estonia should be encouraged to improve access to training for all employees, especially for the low-skilled. Reducing school-drop outs and ensuring quality of education and training is a particular challenge. Building a system of lifelong learning has to be put clearly on the agenda.

HUNGARY

The employment rate in Hungary is low, particularly for the low-skilled, the disadvantaged, women and for older workers. At the same time, unemployment remains well below the EU15 average. This is explained by a low participation rate, i.e. a large inactive population of working age. There are major labour market imbalances between the central and western regions, where the 'modern economy' is concentrated, and the rest of the country. Regional and sectoral mobility is low, while skills bottlenecks reflect both a lack of skilled labour and the insufficient responsiveness of education and training systems to labour market needs.

Increasing adaptability of workers and enterprises

- The tax wedge on labour remains high and represents an obstacle to job creation and a factor likely to contribute to undeclared work. Moreover, given the slowdown in economic growth, further efforts are required to ensure, together with the social partners, more employment-friendly wage developments. These are driven by the more competitive part of the economy and therefore not necessarily conducive to strengthening the job creation capacity of its weaker parts.

Attracting more people to the labour market and making work a real option for all

- The health situation of workers is an issue of concern, which may partially explain low activity. To this end, there is a need for a policy to promote better working conditions, and improving preventive and curative healthcare. Reforms of the social benefit systems, including sickness benefits, should be pursued with the view to make work pay and to reduce undeclared work.
- This should be accompanied by the development of more flexible and family-friendly working arrangements, including more attractive part-time work, in particular for women and older workers. Strengthening preventive and active labour market measures for the unemployed and the inactive is also necessary, especially in the most disadvantaged regions. This calls for modern public employment services, so as to support occupational and geographic mobility. Building on the Integration Strategy, efforts are needed to improve the labour market prospects of the Roma population.

Investing more and more effectively in human capital and lifelong learning

- Efforts to develop lifelong learning strategies should be pursued and should encompass measures to reduce school drop-outs, to promote equal access to university education and to broaden access to training, in particular for the low-skilled and disadvantaged. It is important to improve the efficiency of the education system, and increase its flexibility in order to better adapt to the skills needs of the labour market.

LITHUANIA

The employment rate in Lithuania has risen slightly recently but remains well below the EU15 average. The unemployment rate has decreased significantly but is still well above the EU average.

Increasing adaptability of workers and enterprises

- The still comparatively low share of employment in services is a challenge. Although efforts have been made to alleviate the tax burden, there is still a high tax wedge on the low-paid, which hampers job creation. Social partners have a particular role to play in anticipating and accompanying restructuring.

Attracting more people to the labour market and making work a real option for all

- Building on the reform of social assistance and further efforts to make work pay, it seems important to strengthen active labour market policies to help unemployed or inactive people move back into employment. Greater access to training, support for job search, occupational mobility, and the modernisation of the public employment services are key priorities.
- Although the participation of women and older workers is comparatively high compared to the EU average, removing obstacles to part-time work could contribute to raising levels further.

Investing more and more effectively in human capital and lifelong learning

- Serious efforts are needed to develop lifelong learning, and in particular to further modernise the education system, reduce school drop-outs and increase participation in training, in particular for the low-skilled. The participation of employers in training, including their contribution to the continuing vocational training of employees is low.

LATVIA

Supported by strong economic growth, employment in Latvia has increased quite strongly over the last two years. However, the overall employment rate stands below the EU15 average. Unemployment remains above the EU15 average with wide regional variations. At the same time, labour and skill shortages exist in Riga.

Increasing adaptability of workers and enterprises

- To achieve higher job creation, it is important to support the development of the services, especially in disadvantaged regions and to address the issue of undeclared work. The size of undeclared work reduces social security contributions and leads to a high tax burden on labour.

Attracting more people to the labour market and making work a real option for all

- The combination of the minimum wage and of the tax and benefit systems should be made sufficiently attractive for people to take up a job in the formal economy. Particular attention needs to be paid to ensuring that women are encouraged to stay in the labour market.
- This also requires greater efforts to develop active and preventive policies for the unemployed, in particular measures supporting job search, entrepreneurship, geographic mobility and greater access to training. The modernisation of public employment services should be seen as a priority. Particular attention is needed to ensure a more equitable and inclusive labour market for the young and the low-skilled. Belonging to an ethnic minority and lack of knowledge of the national language are particular risk factors.

Investing more and more effectively in human capital and lifelong learning

- Overcoming skills gaps and skills mismatches is a particular challenge. More efforts are needed to increase access to education, reduce school drop-outs and increase access to training, in particular for the low-skilled. This should be part of an overall strategy to develop lifelong learning.

MALTA

The employment rate in Malta is particularly low compared to EU15 average. The employment rate of older workers is particularly low. The employment rate of women is the lowest in the EU25: only a third of women of working age are in work. Unemployment has increased slightly over the last two years but remains below the EU15 average.

Increasing adaptability of workers and enterprises

- Key challenges facing Malta are to roll out its privatisation program while redeploying employees as necessary and progressively to reduce administrative costs and tax burden on labour. In this respect, it will be important to build on the provisions of the revised Business Promotion Act and to monitor its impact.

Attracting more people to the labour market and making work a real option for all

- Malta's over-riding challenge is to expand its labour supply by raising the employment rate for women. Building on the revised Conditions of Employment Regulations Act, further action is needed to raise female participation in the formal economy. Increasing childcare facilities would significantly contribute.
- A reform of the tax-and-benefit systems is also deemed a top priority, as the gap between minimum wage and benefit level is recognised as too small to provide sufficient incentives to take up a job. This reform would also help to transform undeclared work into regular employment.

Investing more and more effectively in human capital and lifelong learning

- Low levels of education among the workforce and skills' mismatches are a matter of concern. The high rates of early school-leavers, of illiteracy and of the low-skilled people are particularly worrying. Raising general educational levels, reducing school drop-outs and raising participation in training, in particular for the low-skilled, are key priorities. Efforts to include the social partners in the development of a more systematic approach to education and training should be pursued.

POLAND

The employment rate in Poland is among the lowest in the EU25. The situation on the labour market has deteriorated during the last four years. The employment rates of women, of older workers, of young people and of the low-skilled are particularly low. At about 20 %, the unemployment rate is at its highest level since the start of the economic transformation, and the highest in EU25.

Increasing adaptability of workers and enterprises

- Actions to enhance the creation of a more employment-friendly environment and measures to support entrepreneurship are of particular importance, especially in the context of restructuring.
- Building on recent measures to reduce labour costs for the low-skilled and the young, it seems important to review the tax-benefit system to address the high tax wedge on labour in a comprehensive manner, particularly at the lower end of the wage scale. This would also contribute to reducing undeclared work.
- Social partners have a key role not only for sustaining employment-friendly wage developments but also for actively promoting change at enterprise level and facilitating job mobility.

Attracting more people to the labour market and making work a real option for all

- As part of the endeavour to build up effective partnerships for employment at local level and to develop active labour market policies, Poland should accelerate the establishment of the new public employment services, with sufficient resources in terms of funding, staff numbers, training and equipment.
- It is also important that the reform of the different benefit systems including disability benefits and social assistance continues with a focus on promoting active job search and reintegration. Disadvantaged young people deserve particular attention. Efforts to remove obstacles to part-time work would also contribute to sustaining job opportunities for women and older workers.

Investing more and more effectively in human capital and lifelong learning

- Building on efforts to develop a coherent lifelong learning strategy, it will be important to ensure that the education and training system provides new labour market entrants with the skills needed in a labour market characterised by structural change. Particular attention will be needed to ensure equal access to education and to improve the efficiency and quality of education. Greater incentives to invest in training and to facilitate access to training as well as the commitment of the social partners are key requirements for the development of the lifelong learning strategy.

SLOVENIA

The employment rate in Slovenia is slightly below the EU15 average, but is particularly low for older workers. The unemployment rate is well below the EU average.

Increasing adaptability of workers and enterprises

- The interaction between the minimum wage and the different components of tax burden on labour should be assessed to increase activity and reduce undeclared work. It is important to pursue the efforts in order to promote flexible forms of work while maintaining the appropriate balance between flexibility and security.

Attracting more people to the labour market and making work a real option for all

- Increasing the employment of people over 55 is a clear priority for Slovenia. Further efforts should include reducing the use of early retirement schemes, ensuring consistency between tax and benefit reforms (e.g. measures aimed at reducing undeclared work and at reforming pensions), to promote flexible forms of work and access to training for older workers.
- In order to make work pay, it is important to review the interactions between unemployment, social benefits and the minimum wage, to increase the incentive to take up a job in the formal economy. The public employment service has developed a comprehensive model of management in its implementation of the preventive approach, yet it would be necessary to improve staff training in the public employment service in order to deal efficiently with the most difficult to employ. The relations between private and public employment services could be intensified.

Investing more and more effectively in human capital and lifelong learning

- Building on recent progress and initiatives to develop lifelong learning systems, it would seem important to increase the share of the adult population participating in further education and training. Adequate resources and incentives for workers and employers to invest in training as well as a clear definition of all stakeholders' roles are needed. Reducing drop-out rates appear to be an important problem.

SLOVAKIA

The overall employment rate in Slovakia remains low compared to the EU15 average. Although it is declining, unemployment is still very high, with a large share of long-term unemployed. The employment rate of women is low and the employment rate of young people, of the low-skilled and of older workers (especially women) is particularly low. Regional imbalances are important.

Increasing adaptability of workers and enterprises

- It is necessary to further reduce the high tax wedge on labour, mostly composed of social contributions. Social partners should be encouraged to promote more contractual and working time diversity (e.g. remove obstacles to part-time work) so as to create more job opportunities and facilitate job mobility.

Attracting more people to the labour market and making work a real option for all

- It is important to effectively continue implementing the removal of unemployment and inactivity traps and to transform undeclared work into employment by building on the ongoing reforms of the tax and benefit systems. The implementation and impact of the reforms should be properly monitored.
- In addition to efforts aimed at making work pay, special attention continues to be needed to be paid to increase the participation of older workers in employment, especially through the implementation of employment legislation and pensions reform, more flexible forms of work and greater use of part-time work. This could also contribute to raising female participation.
- The financing of active labour market policy and the share of people taking part in active measures are set to increase, from low levels. It is important to make the labour market more inclusive and to implement reforms to enforce active job search. This calls for modern active labour market policies, greater access to training for the unemployed and the inactive and modern public employment services to ensure a wider coverage of the population. Further attention is needed for groups at risk (e.g. the long-term unemployed, young people, people with disabilities, older workers) and disadvantaged regions. The new priority given to integrating the Roma population needs to be rapidly translated into action.

Investing more and more effectively in human capital and lifelong learning

- The alarmingly high unemployment rate of young people points to the need to bridge the gap between skills acquired in the initial education and the skills needed to succeed on the labour market. Economic restructuring, regional and skills mismatches also call for greater support for occupational and geographic mobility throughout the life-cycle.
 - Greater incentives to invest in training and to facilitate access to training are key requirements for the development of a lifelong learning strategy. There is a need to encourage investment in human capital and foster lifelong learning by further reforming the education system and to review the contributions to be made by individuals, enterprises and society as a whole.
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