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⁽¹⁾ Text with EEA relevance

I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

COMMISSION REGULATION (EC) No 1577/2007

of 27 December 2007

laying down detailed rules for the application in 2008 of the import tariff quotas for 'baby beef' products originating in Croatia, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Kosovo

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular the first subparagraph of Article 32(1) thereof,

Whereas:

- (1) Article 4(2) of Council Regulation (EC) No 2007/2000 of 18 September 2000 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process, amending Regulation (EC) No 2820/98, and repealing Regulations (EC) No 1763/1999 and (EC) No 6/2000 ⁽²⁾, provides for an annual preferential tariff quota of 1 500 tonnes of 'baby beef' products originating in Bosnia and Herzegovina and of 9 975 tonnes of 'baby beef' products originating in Montenegro and the customs territories of Serbia and Kosovo.
- (2) The Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, approved by Council and Commission Decision 2005/40/EC, Euratom ⁽³⁾, the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, approved by Council and Commission Decision 2004/239/EC, Euratom ⁽⁴⁾ and the Interim Agreement

with Montenegro, approved by Council Decision 2007/855/EC of 15 December 2007 on the conclusion of an Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the Republic of Montenegro, of the other part ⁽⁵⁾, lay down annual preferential tariff quotas of 'baby beef' of 9 400 tonnes, 1 650 and 800 tonnes respectively.

- (3) Article 2 of Council Regulation (EC) No 2248/2001 of 19 November 2001 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part and for applying the Interim Agreement between the European Community and the Republic of Croatia ⁽⁶⁾ and Article 2 of Council Regulation (EC) No 153/2002 of 21 January 2002 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, and for applying the Interim Agreement between the European Community and the former Yugoslav Republic of Macedonia ⁽⁷⁾ provide that detailed rules for the implementation of concessions on 'baby beef' should be laid down.
- (4) For control purposes, Regulation (EC) No 2007/2000 makes imports under the quotas of 'baby beef' for Bosnia and Herzegovina and Serbia and Kosovo, subject to the presentation of a certificate of authenticity attesting that the goods originate from the issuing country and that they correspond exactly to the definition in Annex II to that Regulation. For the sake of harmonisation, imports under the quotas of 'baby beef' originating in Croatia, the former Yugoslav Republic of Macedonia and Montenegro should also be made subject

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 240, 23.9.2000, p. 1. Regulation as last amended by Commission Regulation (EC) No 1946/2005 (OJ L 312, 29.11.2005, p. 1).

⁽³⁾ OJ L 26, 28.1.2005, p. 1.

⁽⁴⁾ OJ L 84, 20.3.2004, p. 1.

⁽⁵⁾ OJ L 345, 28.12.2007, p. 1.

⁽⁶⁾ OJ L 304, 21.11.2001, p. 1. Regulation as amended by Regulation (EC) No 2/2003 (OJ L 1, 4.1.2003, p. 26).

⁽⁷⁾ OJ L 25, 29.1.2002, p. 16. Regulation as amended by Regulation (EC) No 3/2003 (OJ L 1, 4.1.2003, p. 30).

to the presentation of a certificate of authenticity attesting that the goods originate from the issuing country and that they correspond exactly to the definition in Annex III to the Stabilisation and Association Agreement with Croatia or with the former Yugoslav Republic of Macedonia or Annex II to the Interim Agreement with Montenegro respectively. A model should also be established for the certificates of authenticity and detailed rules laid down for their use.

- (5) Kosovo, as defined by United Nations Security Council Resolution 1244 of 10 June 1999, is subject to an international civil administration by the United Nations Mission in Kosovo (UNMIK). There should therefore also be a specific certificate of authenticity for goods originating in the customs territory Kosovo.
- (6) The quotas concerned should be managed through the use of import licences. To this end, Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 ⁽¹⁾ and Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽²⁾ should be applicable subject to this Regulation.
- (7) Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽³⁾ lays down in particular detailed provisions on applications for import licences, the status of applicants, the issue of licences and the notifications by the Member States to the Commission. That Regulation limits the period of validity of licences to the last day of the import tariff quota period. The provisions of Regulation (EC) No 1301/2006 should apply to import licences issued pursuant to this Regulation, without prejudice to additional conditions or derogations laid down in this Regulation.
- (8) In order to ensure proper management of imports of the products concerned, import licences should be issued subject to verification, in particular of entries on certificates of authenticity.

- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. The following tariff quotas are hereby opened for the period from 1 January to 31 December 2008:

- (a) 9 400 tonnes of 'baby beef', expressed in carcass weight, originating in Croatia;
- (b) 1 500 tonnes of 'baby beef', expressed in carcass weight, originating in Bosnia and Herzegovina;
- (c) 1 650 tonnes of 'baby beef', expressed in carcass weight, originating in the former Yugoslav Republic of Macedonia;
- (d) 9 175 tonnes of 'baby beef', expressed in carcass weight, originating in the customs territories of Serbia and Kosovo;
- (e) 800 tonnes of 'baby beef', expressed in carcass weight, originating in Montenegro.

The quotas referred to in the first subparagraph shall bear the order Nos 09.4503, 09.4504, 09.4505, 09.4198 and 09.4199 respectively.

For the purposes of attributing those quotas, 100 kilograms live weight shall be equivalent to 50 kilograms carcass weight.

2. The customs duty applicable under the quotas referred to in paragraph 1 shall be 20 % of the *ad valorem* duty and 20 % of the specific duty as laid down in the Common Customs Tariff.

3. Importation under the quotas referred to in paragraph 1 shall be reserved for certain live animals and certain meat falling within the following CN codes, referred to in Annex II to Regulation (EC) No 2007/2000, in Annex III to the Stabilisation and Association Agreements concluded with Croatia, in Annex III to the Stabilisation and Association Agreement concluded with the former Yugoslav Republic of Macedonia and in Annex II to the Interim Agreement with Montenegro:

- ex 0102 90 51, ex 0102 90 59, ex 0102 90 71 and ex 0102 90 79,
- ex 0201 10 00 and ex 0201 20 20,
- ex 0201 20 30,
- ex 0201 20 50.

⁽¹⁾ OJ L 143, 27.6.1995, p. 35. Regulation as last amended by Regulation (EC) No 586/2007 (OJ L 139, 31.5.2007, p. 5).

⁽²⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1423/2007 (OJ L 317, 5.12.2007, p. 36).

⁽³⁾ OJ L 238, 1.9.2006, p. 13. Regulation as last amended by Regulation (EC) No 289/2007 (OJ L 78, 17.3.2007, p. 17).

Article 2

Regulation (EC) No 1445/95, Regulation (EC) No 1291/2000 and Chapter III of Regulation (EC) No 1301/2006 shall apply, save as otherwise provided for in this Regulation.

Article 3

1. Section 8 of licence applications and licences shall show the country or customs territory of origin and the mention 'yes' shall be marked by a cross. Licences shall be subject to the obligation to import from the country or customs territory indicated.

Section 20 of licence applications and licences shall show one of the entries listed in Annex I.

2. The original of the certificate of authenticity drawn up in accordance with Article 4 plus a copy thereof shall be presented to the competent authority together with the application for the first import licence relating to the certificate of authenticity.

Certificates of authenticity may be used for the issue of more than one import licence for quantities not exceeding that shown on the certificate. Where more than one licence is issued in respect of a certificate, the competent authority shall:

- (a) endorse the certificate of authenticity to show the quantity attributed;
- (b) ensure that the import licences delivered in respect of that certificate are issued on the same day.

3. The competent authorities may issue import licences only after they are satisfied that all the information on the certificate of authenticity corresponds to that received each week from the Commission for the imports concerned. The licences shall be issued immediately thereafter.

Article 4

1. All applications for imports licences under the quotas referred to in Article 1 shall be accompanied by a certificate of authenticity issued by the authorities of the exporting country or customs territory listed in Annex II attesting that the goods originate in that country or customs territory and that they correspond to the definition given, as the case may be, in Annex II to Regulation (EC) No 2007/2000, Annex III to the Stabilisation and Association Agreements with Croatia, Annex III to the Stabilisation and Association Agreement with the former Yugoslav Republic of Macedonia or Annex II to the Interim Agreement with Montenegro.

2. Certificates of authenticity shall be made out in one original and two copies, to be printed and completed in one of the official languages of the Community, in accordance with the relevant model in Annexes III to VIII for the exporting countries or customs territory concerned. They may also be printed and completed in the official language or one of the official languages of the exporting country or customs territory.

The competent authorities of the Member State in which the import licence application is submitted may require a translation of the certificate to be provided.

3. The original and copies of the certificate of authenticity may be typed or hand-written. In the latter case, they shall be completed in black ink and in block capitals.

The certificate forms shall measure 210 × 297 mm. The paper used shall weigh not less than 40 g/m². The original shall be white, the first copy pink and the second copy yellow.

4. Each certificate shall have its own individual serial number followed by the name of the issuing country or customs territory.

The copies shall bear the same serial number and the same name as the original.

5. Certificates shall be valid only if they are duly endorsed by an issuing authority listed in Annex II.

6. Certificates shall be deemed to have been duly endorsed if they state the date and place of issue and if they bear the stamp of the issuing authority and the signature of the person or persons empowered to sign them.

Article 5

1. The issuing authorities listed in Annex II shall:

- (a) be recognised as such by the exporting country or customs territory concerned;
- (b) undertake to verify entries on the certificates;
- (c) undertake to forward to the Commission at least once a week any information enabling the entries on the certificates of authenticity to be verified, in particular with regard to the number of the certificate, the exporter, the consignee, the country of destination, the product (live animals/meat), the net weight and the date of signature.

2. The list in Annex II shall be revised by the Commission where the requirement referred to in paragraph 1(a) is no longer met, where an issuing authority fails to fulfil one or more of the obligations incumbent on it or where a new issuing authority is designated.

Article 6

Certificates of authenticity and import licences shall be valid for three months from their respective dates of issue.

Article 7

The exporting country or custom territory concerned shall communicate to the Commission specimens of the stamp imprints used by their issuing authorities and the names and signatures of the persons empowered to sign certificates of authenticity. The Commission shall communicate that information to the competent authorities of the Member States.

Article 8

1. By way of derogation from the second subparagraph of Article 11(1) of Regulation (EC) No 1301/2006, Member States shall notify to the Commission:

- (a) no later than 28 February 2009, the quantities of products, including nil returns, for which import licences were issued in the previous import tariff quota period;

- (b) no later than 30 April 2009, the quantities of products, including nil returns, covered by unused or partly used import licences and corresponding to the difference between the quantities entered on the back of the import licences and the quantities for which they were issued.

2. No later than 30 April 2009, Member States shall notify to the Commission the quantities of products, which were actually released for free circulation during the preceding import tariff quota period.

3. The notifications referred to in paragraphs 1 and 2 of this Article shall be made as indicated in Annexes IX, X and XI to this Regulation and the product categories indicated in Annex II(A) of Regulation (EC) No 1445/95 shall be used.

Article 9

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

It shall apply from 1 January 2008.

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

Done at Brussels, 27 December 2007.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

Entries referred to in Article 3(1)

— in Bulgarian:	'Baby beef' (Регламент (ЕО) № 1577/2007)
— in Spanish:	'Baby beef' (Reglamento (CE) n.º 1577/2007)
— in Czech:	'Baby beef' (Nařízení (ES) č. 1577/2007)
— in Danish:	'Baby beef' (Forordning (EF) nr. 1577/2007)
— in German:	'Baby beef' (Verordnung (EG) Nr. 1577/2007)
— in Estonian:	'Baby beef' (Määrus (EÜ) nr 1577/2007)
— in Greek:	'Baby beef' (Κανονισμός (ΕΚ) αριθ. 1577/2007)
— in English:	'Baby beef' (Regulation (EC) No 1577/2007)
— in French:	'Baby beef' (Règlement (CE) n.º 1577/2007)
— in Italian:	'Baby beef' (Regolamento (CE) n. 1577/2007)
— in Latvian:	'Baby beef' (Regula (EK) Nr. 1577/2007)
— in Lithuanian:	'Baby beef' (Reglamentas (EB) Nr. 1577/2007)
— in Hungarian:	'Baby beef' (1577/2007/EK rendelet)
— in Maltese:	'Baby beef' (Regolament (KE) Nru 1577/2007)
— in Dutch:	'Baby beef' (Verordening (EG) nr 1577/2007)
— in Polish:	'Baby beef' (Rozporządzenie (WE) nr 1577/2007)
— in Portuguese:	'Baby beef' (Regulamento (CE) n.º 1577/2007)
— in Romanian:	'Baby beef' (Regulamentul (CE) nr. 1577/2007)
— in Slovak:	'Baby beef' (Nariadenie (ES) č. 1577/2007)
— in Slovenian:	'Baby beef' (Uredba (ES) št. 1577/2007)
— in Finnish:	'Baby beef' (Asetus (EY) N:o 1577/2007)
— in Swedish:	'Baby beef' (Förordning (EG) nr 1577/2007)

ANNEX II

Issuing authorities:

- Republic of Croatia: Croatian Livestock Center, Zagreb, Croatia.
- Bosnia-Herzegovina:
- The former Yugoslav Republic of Macedonia: Univerzitet Sv. Kiril I Metodij, Institut za hrana, Fakultet za veterinarska medicina, 'Lazar Pop-Trajkov 5-7', 1000 Skopje
- Montenegro: Veterinary Directorate, Bulevar Svetog Petra Cetinjskog br.9, 81000 Podgorica, Montenegro
- Customs territory of Serbia ⁽¹⁾: 'YU Institute for Meat Hygiene and Technology, Kacanskog 13, Belgrade, Yugoslavia.'
- Customs territory of Kosovo:

⁽¹⁾ Not including Kosovo as defined by United Nations Security Council Resolution 1244 of 10 June 1999.

ANNEX III

1. Consignor (full name and address)		CERTIFICATE No 0000 ORIGINAL Croatia	
2. Consignee (full name and address)		CERTIFICATE OF AUTHENTICITY for exports to the EC of bovine animals and meat of bovine animals [application of Regulation (EC) No 1577/2007]	
NOTES A. This certificate shall be prepared in one original and two copies. B. The original and its two copies shall be typewritten or completed by hand. In the latter case, they must be completed in black ink and in block capitals.			
3. Marks, numbers, numbers and nature of packages or head of cattle; description of goods	4. Combined Nomenclature code	5. Gross weight (kg)	6. Net weight (kg)
7. Net weight (kg) (in words)			
8. I, the undersigned, acting on behalf of the authorised issuing body (box 9) certify that the goods described above were subjected to health inspection at, in accordance with the attached veterinary certificate of, originate in and come from the Republic of Croatia and correspond exactly to the definition contained in Annex III to the Stabilisation and Association Agreement set out in Decision 2005/40/EC, Euratom (OJ L 26, 28.1.2005, p.1).			
9. Authorised issuing body		Place: Date: (Stamp of issuing body) (signature)	

ANNEX IV

1. Consignor (full name and address)		CERTIFICATE No 0000 ORIGINAL BOSNIA and HERZEGOVINA	
2. Consignee (full name and address)		CERTIFICATE OF AUTHENTICITY for exports to the EC of bovine animals and meat of bovine animals [application of Regulation (EC) No 1577/2007]	
NOTES A. This certificate shall be prepared in one original and two copies. B. The original and its two copies shall be typewritten or completed by hand. In the latter case, they must be completed in black ink and in block capitals.			
3. Marks, numbers, numbers and nature of packages or head of cattle; description of goods	4. Combined Nomenclature code	5. Gross weight (kg)	6. Net weight (kg)
7. Net weight (kg) (in words)			
8. I, the undersigned, acting on behalf of the authorised issuing body (box 9) certify that the goods described above were subjected to health inspection at, in accordance with the attached veterinary certificate of, originate in and come from the Republic of Bosnia and Herzegovina and correspond exactly to the definition contained in Annex II to Council Regulation (EC) No 2007/2000 (OJ L 240, 23.9.2000, p. 1).			
9. Authorised issuing body		Place: Date: (Stamp of issuing body) (signature)	

ANNEX V

1. Consignor (full name and address)		CERTIFICATE No 0000 ORIGINAL THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA	
2. Consignee (full name and address)		CERTIFICATE OF AUTHENTICITY for exports to the EC of bovine animals and meat of bovine animals [application of Regulation (EC) No 1577/2007]	
NOTES A. This certificate shall be prepared in one original and two copies. B. The original and its two copies shall be typewritten or completed by hand. In the latter case, they must be completed in black ink and in block capitals.			
3. Marks, numbers, numbers and nature of packages or head of cattle; description of goods	4. Combined Nomenclature code	5. Gross weight (kg)	6. Net weight (kg)
7. Net weight (kg) (in words)			
8. I, the undersigned, acting on behalf of the authorised issuing body (box 9) certify that the goods described above were subjected to health inspection at, in accordance with the attached veterinary certificate of, originate in and come from the former Yugoslav Republic of Macedonia and correspond exactly to the definition contained in Annex III to the Stabilisation and Association Agreement set out in Decision 2004/239/EC, Euratom (OJ L 84, 20.3.2004, p. 1).			
9. Authorised issuing body		Place: Date: (Stamp of issuing body) (signature)	

ANNEX VI

1. Consignor (full name and address)		CERTIFICATE No 0000 ORIGINAL SERBIA ⁽¹⁾	
2. Consignee (full name and address)		CERTIFICATE OF AUTHENTICITY for exports to the EC of bovine animals and meat of bovine animals [application of Regulation (EC) No 1577/2007]	
NOTES A. This certificate shall be prepared in one original and two copies. B. The original and its two copies shall be typewritten or completed by hand. In the latter case, they must be completed in black ink and in block capitals.			
3. Marks, numbers, numbers and nature of packages or head of cattle; description of goods	4. Combined Nomenclature code	5. Gross weight (kg)	6. Net weight (kg)
7. Net weight (kg) (in words)			
8. I, the undersigned, acting on behalf of the authorised issuing body (box 9) certify that the goods described above were subjected to health inspection at, in accordance with the attached veterinary certificate of, originate in and come from Serbia and correspond exactly to the definition contained in Annex II to Council Regulation (EC) No 2007/2000 (OJ L 240, 23.9.2000, p. 1).			
9. Authorised issuing body		Place: Date: (Stamp of issuing body) (signature)	

(1) Not including Kosovo as defined by United Nations Security Council Resolution 1244 of 10 June 1999.

ANNEX VII

1. Consignor (full name and address)		CERTIFICATE No 0000 ORIGINAL MONTENEGRO	
2. Consignee (full name and address)		CERTIFICATE OF AUTHENTICITY for exports to the EC of bovine animals and meat of bovine animals [application of Regulation (EC) No 1577/2007]	
NOTES A. This certificate shall be prepared in one original and two copies. B. The original and its two copies shall be typewritten or completed by hand. In the latter case, they must be completed in black ink and in block capitals.			
3. Marks, numbers, numbers and nature of packages or head of cattle; description of goods	4. Combined Nomenclature code	5. Gross weight (kg)	6. Net weight (kg)
7. Net weight (kg) (in words)			
8. I, the undersigned, acting on behalf of the authorised issuing body (box 9) certify that the goods described above were subjected to health inspection at, in accordance with the attached veterinary certificate of, originate in and come from Montenegro and correspond exactly to the definition contained in Annex II to Council Regulation (EC) No 2007/2000 (OJ L 240, 23.9.2000, p. 1).			
9. Authorised issuing body		Place: Date: (Stamp of issuing body) (signature)	

ANNEX VIII

1. Consignor (full name and address)		CERTIFICATE No 0000 ORIGINAL International civil administration of the United Nations Mission in Kosovo (UNMIK)	
2. Consignee (full name and address)		CERTIFICATE OF AUTHENTICITY for exports to the EC of bovine animals and meat of bovine animals [application of Regulation (EC) No 1577/2007]	
NOTES A. This certificate shall be prepared in one original and two copies. B. The original and its two copies shall be typewritten or completed by hand. In the latter case, they must be completed in black ink and in block capitals.			
3. Marks, numbers, numbers and nature of packages or head of cattle; description of goods	4. Combined Nomenclature code	5. Gross weight (kg)	6. Net weight (kg)
7. Net weight (kg) (in words)			
8. I, the undersigned, acting on behalf of the authorised issuing body (box 9) certify that the goods described above were subjected to health inspection at, in accordance with the attached veterinary certificate of, originate in and come from the customs territory of Kosovo and correspond exactly to the definition contained in Annex II to Council Regulation (EC) No 2007/2000 (OJ L 240, 23.9.2000, p. 1).			
9. Authorised issuing body		Place: Date: (Stamp of issuing body) (signature)	

ANNEX IX

Notification of import licences (issued) — Regulation (EC) No 1577/2007

Member State:

Application of Article 8 of Regulation (EC) No 1577/2007

Quantities of products for which import licences were issued

From: to:

Order No	Product category or categories ⁽¹⁾	Quantity (kilograms product weight or heads)
09.4503		
09.4504		
09.4505		
09.4198		
09.4199		

⁽¹⁾ Product category or categories as indicated in Annex II(A) of Regulation (EC) No 1445/95.

ANNEX X

Notification of import licences (unused quantities) — Regulation (EC) No 1577/2007

Member State:

Application of Article 8 of Regulation (EC) No 1577/2007

Quantities of products for which import licences were unused

From: to:

Order No	Product category or categories ⁽¹⁾	Unused quantity (kilograms product weight or heads)
09.4503		
09.4504		
09.4505		
09.4198		
09.4199		

⁽¹⁾ Product category or categories as indicated in Annex II(A) of Regulation (EC) No 1445/95.

ANNEX XI

Notification of the quantities of products put into free circulation — Regulation (EC) No 1577/2007

Member State:

Application of Article 8 of Regulation (EC) No 1577/2007

Quantities of products put into free circulation:

From: to: (import tariff quota period).

Order No	Product category or categories ⁽¹⁾	Quantities of products put into free circulation (kilograms product weight or heads)
09.4503		
09.4504		
09.4505		
09.4198		
09.4199		

⁽¹⁾ Product category or categories as indicated in Annex II(A) of Regulation (EC) No 1445/95.

DECISIONS ADOPTED JOINTLY BY THE EUROPEAN PARLIAMENT AND THE COUNCIL

DECISION No 1578/2007/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 December 2007 on the Community Statistical Programme 2008 to 2012 (Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

torial units, in the light of the constitutional provisions of the Member States, which is up to date, reliable, relevant and produced as efficiently as possible for the formulation, application, monitoring and assessment of its policies.

Having regard to the Treaty establishing the European Community, and in particular Article 285 thereof,

Having regard to the proposal from the Commission,

- (3) In order to ensure the consistency and comparability of statistical information in the Community, there is a need to establish a five-year Community statistical programme which identifies the approaches, the main fields and the objectives of the actions envisaged in respect of the policy priorities.

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

After consulting the Committee of the Regions,

- (4) The specific method of drawing up Community statistics requires particularly close cooperation within a developing Community statistical system via the Statistical Programme Committee, established by Council Decision 89/382/EEC, Euratom ⁽⁴⁾, as regards the adaptation of the system, notably through the introduction of legal instruments necessary to establish the relevant Community statistics. Account should be taken of the burden on respondents, be they businesses, central, regional or local government units, households or individuals.

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

- (1) Pursuant to Council Regulation (EC) No 322/97 of 17 February 1997 on Community statistics ⁽³⁾, a multiannual Community statistical programme should be established.
- (2) In accordance with that Regulation, the Community should have timely access to statistical information comparable among the Member States and their terri-

- (5) The production of Community statistics within the legislative framework of the five-year programme is achieved through the close, coordinated and coherent cooperation between Eurostat and the national authorities. For that purpose, Eurostat should ensure the coordination, in various forms, of the national authorities in a network representing the European Statistical System (ESS) to assure the timely provision of statistics of a standard allowing the necessary comparability among Member States, in support of European Union policy needs.

⁽¹⁾ OJ C 175, 27.7.2007, p. 8.

⁽²⁾ Opinion of the European Parliament of 12 July 2007 (not yet published in the OJ) and Council Decision of 29 November 2007.

⁽³⁾ OJ L 52, 22.2.1997, p. 1. Regulation as last amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

⁽⁴⁾ OJ L 181, 28.6.1989, p. 47.

- (6) In the production and dissemination of Community statistics under this Decision, the national and Community statistical authorities should respect the principles set out in the European Statistics Code of Practice, which was attached to the Recommendation of the Commission of 25 May 2005 on the independence, integrity and accountability of the national and Community statistical authorities. In this process, efforts should be made to promote convergence of the statistical information gathered and the possibility of scientific treatment thereof.
- (7) In the light of the Communication from the Commission to the European Parliament and the Council on reduction of the response burden, simplification and priority-setting in the field of Community statistics, the preparation of the annual statistical work programmes of the Commission should take account of the need for ongoing review of statistical priorities, including the simplification of processes and the reduction of requirements of declining importance, with a view to making the best use of available resources.
- (8) In order to increase the coherence and effectiveness in Community measures for cities and enable reliable comparisons to be made, it is necessary, for Community statistical purposes, to define more accurately what is meant by 'urban area' and 'agglomeration'.
- (9) Since the objective of this Decision, namely the establishment of the Community Statistical Programme 2008 to 2012, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve that objective.
- (10) This Decision establishes a financial envelope for the entire duration of the programme which is to be the prime reference for the budgetary authority, within the meaning of point 37 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, in the framework of the annual budgetary procedure.
- (11) In accordance with Regulation (EC) No 322/97, the guidelines for establishing that programme have been submitted to the Statistical Programme Committee, the European Advisory Committee on Statistical Information in the Economic and Social Spheres established by Council Decision 91/116/EEC ⁽²⁾ and the Committee on

Monetary, Financial and Balance of Payment Statistics established by Council Decision 2006/856/EC ⁽³⁾,

HAVE DECIDED AS FOLLOWS:

Article 1

Establishment of the statistical programme

The Community statistical programme for the period from 2008 to 2012 (hereinafter referred to as the 'programme') is hereby established. The programme is set out in Annexes I and II.

Annex I specifies the approaches, the main fields and the objectives of the actions envisaged during the duration of the programme. Annex II provides a summary of statistical requirements viewed from the perspective of the policy needs of the European Union.

Article 2

Policy priorities

1. Taking account of the available resources of the national authorities and the Commission, the programme shall be guided by the principal Community policy priorities of:

- (a) prosperity, competitiveness, innovation and growth;
- (b) solidarity and human development;
- (c) economic, social and regional cohesion, sustainable development and demographic challenges;
- (d) security; and
- (e) further enlargement of the European Union.

2. The overall priorities and general objectives for the programme shall be subject to detailed annual planning in accordance with Regulation (EC) No 322/97.

Article 3

Statistical governance and quality

The programme shall be implemented in accordance with the principles of the European Statistics Code of Practice with a view to producing and disseminating high-quality, harmonised Community statistics disaggregated by gender, where appropriate, and ensuring the proper functioning of the European statistical system as a whole. National authorities and the Community statistical authority shall:

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 59, 6.3.1991, p. 21. Decision as amended by Decision 97/255/EC (OJ L 102, 19.4.1997, p. 32).

⁽³⁾ OJ L 332, 30.11.2006, p. 21.

- (a) establish an institutional and organisational environment which promotes the effectiveness and credibility of national and Community statistical authorities producing and disseminating official statistics, including regional statistics based on the Nomenclature of Territorial Units for Statistics (NUTS);
- (b) observe European standards, guidelines and good practices in the processes used by the national and Community statistical authorities to organise, collect, process and disseminate official statistics and strive for a reputation for good management and efficiency to strengthen the credibility of those statistics;
- (c) ensure that Community statistics comply with the European quality standards and serve the needs of European Union institutional users, governments, regional authorities, research institutions, civil society organisations, enterprises and the public generally;
- (d) cooperate with statistical bodies at international level in order to promote the use of international concepts, classifications and methods in line with the Fundamental Principles of Official Statistics adopted by the UN Statistical Commission on 14 April 1994, in particular with a view to ensuring more coherence and better comparability between statistics at a global level;
- (e) provide, where requested and warranted, the necessary technical support in the area of statistical organisation, and enable good practices to be shared with other bodies or third countries; and
- (f) place emphasis on the quality of the statistical information, in particular its reliability and comparability, taking due care to ensure the chronological continuity of the data collected and the possibility of scientific processing thereof.

Article 4

Prioritisation, efficiency and flexibility

1. The programme shall ensure continued statistical support for decisions and evaluations in current Community policy areas and provide statistical support for important additional requirements arising from new Community policy initiatives.
2. The Commission shall, in the preparation of the annual statistical work programmes, take account of the cost-effectiveness of the statistics produced and ensure an ongoing review of statistical priorities, with a view to making best use of available resources of the Member States and the Commission and to minimising the burden imposed on respondents. Prioritisation shall aim at balancing additional costs and burdens for new statistical requirements by reducing statistical requirements in existing domains of Community

statistics and shall take place in close cooperation with the Member States.

3. When preparing the annual statistical work programmes, the Commission may carry out ex-ante studies of the financial implications of any planned new statistical activities which impose significant additional burdens on the Member States.

4. The programme shall ensure the development of instruments to re-prioritise statistical activities, increase the flexibility of the European Statistical System and improve its ability to respond in a timely manner to changing user needs.

5. The programme shall ensure transparency, with account being taken, *inter alia*, of Article 1(1) and (2) of Commission Regulation (EC) No 1104/2006 of 18 July 2006 amending Regulation (EC) No 831/2002 implementing Council Regulation (EC) No 322/97 on Community Statistics, concerning access to confidential data for scientific purposes ⁽¹⁾.

Article 5

Financing

1. The financial envelope for the implementation of this programme for the period 2008 to 2012 is hereby set at EUR 274 200 000.
2. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial envelope.

Article 6

Reports

1. The Commission shall, after consulting the Statistical Programme Committee, present an interim progress report and shall submit it to the European Parliament and the Council no later than June 2010. That report shall address, in particular, the period of the second half of the current programme and the issue of the period to be covered by the next multiannual statistical programme, taking into account the term of office of the European Parliament. In relation to the implementation of the programme, the Commission shall also provide a preliminary analysis of the competitive effects on small and medium-sized enterprises brought about by the proposed cuts in the administrative burden, and of the financial burden-sharing between Community and Member State budgets. The Commission shall also pay special attention to the issue of necessary datasets, tools and methodologies which shall serve as the basis for the production of unbiased and objective analysis of the social and economic impacts of important areas which are in need of constant monitoring and review such as the common agricultural policy, the services in the internal market and the next multiannual financial framework.

⁽¹⁾ OJ L 197, 19.7.2006, p. 3.

2. At the end of the period covered by the programme, the Commission, after consulting the Statistical Programme Committee, shall present an evaluation report on the implementation of the programme, taking into account the views of independent experts. That report shall be completed by the end of 2013 and subsequently submitted to the European Parliament and the Council.

3. Reporting on the outcome of reprioritisation, including estimations of costs and burdens for statistical projects and fields covered by this statistical programme, as well as an assessment of emerging statistical needs, in particular for new Community policies, shall form part of the intermediate progress report and the final evaluation report.

Article 7

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

Done at Strasbourg, 11 December 2007.

For the European Parliament

The President

H.-G. PÖTTERING

For the Council

The President

M. LOBO ANTUNES

ANNEX I

FIVE-YEAR STATISTICAL PROGRAMME: CROSS-CUTTING ISSUES

This Annex relates to cross-cutting aspects of strategic importance for the medium to long-term development of Community statistics. It describes, first, how statistical policy in itself contributes to European integration; second, the overall characteristics of the European Statistical System (ESS) and cooperation with users and producers; and third, the main instruments used by the Community authority in cooperation with the national authorities. For each of these aspects this Annex summarises the main objectives and initiatives to be taken during this five-year period.

1. The role of statistics in European integration

Trustworthy statistical information about the economic, social and environmental situation in the EU and its components at national and regional level is a necessary precondition for the European integration process. It provides the EU institutions, Member States and citizens with the necessary factual means to assess the need for, and progress of, European policy initiatives. Harmonised and comparable statistics are also indispensable for the general public's understanding of Europe, citizens' participation in the debate and democratic process about Europe's future and for economic operators' participation in the internal market.

The deepening and enlarging of the EU is reflected in the ESS itself: the strategies and measures of the ESS comprise continuous harmonisation of concepts, definitions and methods and, if necessary, integration of production processes and implementation of common interoperable systems. However, the ESS needs to develop further its structures, strategies and measures to ensure that the system maintains and develops the necessary quality and effectiveness to meet all user needs. Research in official statistics can contribute, *inter alia*, to developing further the infrastructure, efficiency and quality of Community statistics.

The objectives for the programme period are to:

- further harmonise, develop and implement the 'common statistical language' of concepts, classifications and methodologies. Among the most important actions in this area are the revision of the European System of Accounts and the implementation of the NACE Rev. 2 classification of economic activities,
- develop a European statistical register of multinational enterprise groups and integrate it in the statistical production processes,
- further develop and implement standards and common tools for efficient and secure exchange of statistical data and metadata in the ESS in cooperation with other relevant Commission services, the European System of Central Banks and international organisations. Those standards will be enforced in all relevant domains,
- develop and implement a metadata repository available to users as well as producers, linking data and metadata for the whole data production cycle,
- promote increased usage of the Internet, not only for dissemination to end users but also for other parts of the statistical production process,
- develop and implement policies and tools for harmonised confidentiality management in the ESS. In particular, harmonised means of optimal access for authorised researchers to anonymised micro data collected in order to produce Community statistics will be developed and implemented. The risk of disclosure will be adequately assessed, and technical means will be developed to facilitate access to and sharing of statistical data,
- develop the means for exchanging tools within the ESS and promote the use of Open Source Software for that purpose, and
- put in place means for making better operational use of results from research in official statistics.

2. Relations with stakeholders

2.1. The European Statistical System

Eurostat is responsible for ensuring the production of Community statistics for EU policy purposes. The efficient production of the Community statistics covered by this programme, where Member State authorities are responsible for the production of harmonised national statistics and where Eurostat is responsible for the production of Community statistics on the basis of data supplied mostly by the national statistical authorities, necessitates close and coordinated cooperation. Such cooperation is achieved through the ESS.

The ESS is the partnership comprising Eurostat, national statistical institutes and other national statistical bodies responsible in each Member State for producing and disseminating European statistics in line with the principles of the European Statistics Code of Practice. Eurostat will ensure the necessary management and coordination of this structure in order to ensure the timely provision of statistics in support of EU policy needs.

Exchange of experience, best practices, know-how and key methodological techniques amongst the members of the ESS is also a fundamental element of the smooth functioning of the system. This is promoted through the development of the European Statistical Training Programme.

The objectives for the programme period are:

- for the Commission and the Member States to take the appropriate initiatives towards compliance with the European Statistics Code of Practice,
- to establish a European Statistical Governance Advisory Board to complement the governance structure,
- to explore a quality labelling of European official statistical aggregates in feasibility studies for the development of suitable procedures, standards and criteria for that purpose, and
- to ensure that the European Statistical Training Programme aims at improving the overall quality of European statistics by raising the qualification of statisticians, promoting their independence, encouraging both theoretical and practical training and exchanging experience and best practices.

2.2. Cooperation with users

A close, continuous dialogue with users of Community statistics about their needs, actual usage and priorities is imperative. Current cooperation with users is beneficial and comprises, *inter alia*, the activities of the European Advisory Committee on Statistical Information in the Economic and Social Spheres (CEIES)⁽¹⁾, cooperation with European business federations and the formal discussions of the statistical work programme with Commission services. However, as the number of users of Community statistics increases and users become more diverse in their needs, Eurostat will further strengthen the dialogue between the ESS and its users.

The objectives for the programme period are to:

- reduce the distance between users and producers by improving communication with different groups and networks of users,
- implement pro-active user needs investigation, enabling the ESS to respond more effectively to emerging needs, and
- strengthen CEIES, enabling the development of Community statistics to become more user-oriented.

⁽¹⁾ The Commission has proposed the replacement of CEIES with the European Statistical Advisory Committee.

2.3. *Technical cooperation with third countries*

The interaction between the EU and neighbouring countries and other regions and countries throughout the world requires reliable official statistics about economic and social conditions in those countries. Comprehensive technical cooperation takes place in order to build the statistical capacity of those countries and provide the statistics needed for the management of EU policies. This is especially the case for candidate countries. That cooperation involves the expertise of many partners in the ESS.

The objective in the programme period is to:

- prepare and implement regional development programmes and to ensure a close link between statistical actions and the wider objectives of EU programmes.

2.4. *Cooperation with international organisations*

Statistics must not only be comparable among Member States but also at the wider international level, and many domains of the ESS are based on internationally agreed methodology. In many cases the ESS takes a lead and develops standards in advance of global standards. In such cases it is essential that the global methodologies take account of European developments. International cooperation also includes joint management of major projects and coordination of work programmes and data collection activities in order to avoid duplication of efforts.

Experience has shown that a coordinated, common position is important to enable EU priorities to impact on the agenda and the development and harmonisation of the international statistical systems. For that reason, intensified preparation and coordination of EU positions prior to high level international meetings have been initiated.

The objectives for the programme period are to:

- ensure that the EU is consistently represented and, where appropriate, coordinate its positions in the most important international statistical fora and in matters of priority for EU policies, and
- promote the international cooperation and coordination of work programmes in order to avoid duplication of work and improve the comparability of international statistics.

3. **Instruments**

3.1. *Better regulation*

Article 3(2) of Regulation (EC) No 322/97 sets out three types of 'individual statistical actions' that can be used to implement the Community statistical programme: first, legislation adopted under the co-decision procedure, which may confer implementation powers on the Commission; second, actions taken directly by the Commission, under very limited circumstances: the action must last for no longer than one year, the data to be gathered must already be available or accessible within the national authorities responsible, and any additional costs incurred at national level as a result of the action must be borne by the Commission; third, agreements between Eurostat and the Member State authorities.

Enactment of legislation in accordance with Treaty provisions should be the preferred choice in most situations where the collection of statistics is necessary. This will be based on a realistic legislative policy in conformity with the Commission's policy in favour of simpler and well targeted legislation. New legislative initiatives will be exhaustively prepared with the stakeholders and they should address the users' needs, avoid excessive burden on respondents, and take due account of priorities, costs and the possibilities for delivering.

The objectives for the programme period are to take initiatives to:

- replace agreements by Community legislation in certain areas of regular production of Community statistics which have reached sufficient maturity,
- recast and simplify the legislation in statistical areas with complex Community legislation, and
- repeal or revise the legislation in statistical areas where the Community legislation does not effectively reflect users' needs, priorities and the socioeconomic and technological context.

3.2. *Compliance monitoring*

The quality of Community statistics comprises – in addition to the scientific requirements – the fundamental requirement of compliance with the principles of the Treaty and the secondary legislation. Therefore, a vigorous and systematic monitoring of the application of the legislation is a priority. A global and coherent compliance strategy structured around the principles of a realistic legislative policy, the obligation of Member States to apply systematically the statistical legislation and a coherent and systematic monitoring of compliance, will be followed. Close contacts with the competent national authorities throughout all of the phases is part of the compliance process.

The objective in the programme period is to:

- ensure the systematic monitoring of compliance with Community legislation.

3.3. *Increased ability to respond to users' needs*

In order to improve the statistical service to users, and in order to improve the efficiency of the ESS as a whole, a stronger focus on the core needs for European policies is necessary. In specific cases this will be based on the 'European approach to statistics', a pragmatic strategy to facilitate the compilation of European statistical aggregates which are of particular importance for Community policies. Also, the flexibility of the ESS and its ability to respond promptly to changing user needs must be strengthened.

The objectives for the programme period are to:

- improve the coherence across statistical systems, strengthening the ability to respond to users' needs by combining different statistical sources,
- extend the use of ad-hoc modules in Community surveys in specific cases, increasing the responsiveness to new needs,
- use differentiation of requirements depending on the weight of countries in European statistical aggregates to a larger extent, reducing significantly the costs for some national authorities and the burden on respondents and also improving the timeliness of EU statistical aggregates, and
- use European samples aiming to provide good quality data at European aggregate level in specific cases, improving coherence and comparability and streamlining production processes.

3.4. *Financial support for actions contributing to Community objectives*

In order to ensure the timely fulfilment of users' needs, the Commission can support the development of statistics and the build-up of capacity in the ESS by awarding service contracts or concluding grant agreements. Such support will take into account the financial burden-sharing between the EU and the Member State budgets relating to the implementation of the programme (as well as the individual situation of the Member States), in particular in cases where the European approach to statistics is used.

The objectives for the programme period are to:

- award service contracts and grant agreements with a view to ensuring the optimum development of statistics and build-up of capacity in the ESS, making best use of available resources, and
- make efforts to streamline and simplify the grant-management procedures, without prejudice to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽¹⁾.

⁽¹⁾ OJ L 248, 16.9.2002, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 1995/2006 (OJ L 390, 30.12.2006, p. 1).

3.5. *Utilising partners' expertise for Community purposes*

Achieving the objectives of the ESS and ensuring the necessary improvement of programmes, processes and products to meet increasing user needs not only require sufficient resources but also the creativity and competence of the entire ESS. Therefore, new ways of structuring the practical organisation of certain activities – making use of expertise and best practices where they are available – will be put in place in order to release synergies and improve overall efficiency and quality.

The objective in the programme period is to:

- establish or further develop joint structures, tools and processes (e.g. ESSnet – collaborative networks between partners of the ESS with the aim of avoiding duplication of work and, therefore, increasing efficiency) involving national authorities and relevant Community services and facilitating the specialisation of certain Member States in specific statistical activities for the benefit of the ESS as a whole.

3.6. *Dissemination*

The objectives and tools of dissemination will undergo substantial changes during the programme period which will not only significantly change the nature of the dissemination function itself but will also have a significant impact on the other phases of the statistical production process.

The rapid evolution in the capacity and availability of the Internet will make it the prime tool for the dissemination of statistical data in the future. It will significantly increase the potential user community and thus create new opportunities for dissemination. Moreover, it will create the possibility for intensified cooperation between Eurostat and the national statistical institutes. The Internet will, however, also introduce significant new challenges for user-friendly presentation of data that help users to find, display and understand statistics. The existing dissemination of paper publications and offline electronic media will need to evolve as supplementary dissemination tools. Adequate user support structures and communication with user groups are important elements of effective dissemination.

The objectives for the programme period are to:

- develop Eurostat's Internet site in terms of content, ease of use and functionality, ensuring that it corresponds to best practices,
- increase cooperation with other dissemination platforms of the ESS and with other Community services in order to facilitate the usage of the Internet sites and enhance the value of the statistical information for users.

3.7. *The balance of costs and benefits*

The ESS has to maintain a vigilant watch on the balance between the need for information for Community policy purposes and the resources required at EU, national and regional level to provide this information. The provision of adequate resources in the national context is of particular importance in pursuing the statistical information requirements of EU policy decisions. It is, however, also important to maintain sufficient flexibility to allow the national authorities to satisfy Community statistical information needs in the most cost-effective manner.

The setting of priorities will be based on three high-level guiding principles:

- assessment of users' needs, including relevance for policy making at Community level,
- assessment of cost implications for respondents, Member States and the Commission using, for example, the EU Net Cost Model or the Standard Cost Model, and
- assessment of specific statistical issues of importance for the cost-effectiveness of particular statistics, including the trade-off between different components of statistical quality, e.g. 'accuracy' and 'timeliness', and possibilities for flexible reporting obligations focusing on core European needs.

In order to maximise overall cost-effectiveness and to pursue a balanced prioritisation of activities within the annual statistical work programmes, these principles will be applied in a transparent way and according to practical guidelines to be developed and maintained by Eurostat in cooperation with the national statistical authorities.

The objectives for the programme period are to:

- put in place methods for in-depth step-by-step reviews of existing domains of Community statistics and for the assessment of new or substantially changed user requests. This is important for the continuous improvement of Community statistics, ensuring the identification of requirements which can be reduced or discontinued, and for the introduction of revised or new statistical initiatives,
 - subject all fields covered by this programme to a cost-effectiveness analysis, starting with a cost-burden estimation, allowing for a systematic reprioritisation before the end of the programme period 2008 to 2012. An action plan for the whole process will be launched within the first six months of the programme period 2008 to 2012,
 - subject all new statistical projects or major revisions of existing statistics likely to impose a significant additional burden on the data providers, in particular enterprises, to a cost-effectiveness analysis prior to their implementation,
 - set targets for the limitation or reduction of the overall costs and burdens to guide the review and re-prioritisation process,
 - ensure that the reporting burden is proportionate to the needs of users and not excessive for respondents, especially in the case of small and medium-sized enterprises. Measures for monitoring the reporting burden will be put in place and ways of minimising the burden put in practice. Increased use of administrative data for statistical purposes will be an important instrument in this regard, and
 - use, as far as possible, existing data to fulfil new statistical requirements.
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ANNEX II

FIVE-YEAR STATISTICAL PROGRAMME: OBJECTIVES AND ACTIONS

This Annex provides a summary of statistical needs and requirements viewed from the perspective of the policy needs of the EU. Following a first section related to cross-sectional statistical activities in support of overall policy priorities, these needs are classified by the Titles identified in the Treaty establishing the European Community (EC Treaty). This may lead to repetition because some statistical activities contribute to more than one Title. For each policy area this Annex provides the legal framework, the current situation and the main initiatives to be taken within this five-year period.

Priorities, defined by the Commission, will be discussed each year with Member States in order to bring about proposals for simplification of the statistical requirements to be integrated in the process of adopting new legal bases and their implementing measures. Best practices in data collection will be regularly discussed with and exchanged among Member States in order to promote simplification and modernisation in data collection methods which would ease the burden on respondents.

CROSS-SECTIONAL STATISTICAL ACTIVITIES IN SUPPORT OF OVERALL COMMUNITY POLICY PRIORITIES**Structural indicators and sustainable development indicators****Legal framework**

The Lisbon Strategy adopted by the European Council of 23 and 24 March 2000 provided the basis for structural indicators oriented mainly towards economic growth and employment as laid down in the Integrated Guidelines for Growth and Jobs in 2005 (Article 99 of the EC Treaty). Sustainable development indicators were given a new foundation through the Sustainable Development Strategy, adopted by the Brussels European Council of 15 and 16 June 2006.

Current situation

Statistics and indicators are required to monitor the implementation and impact of both the Lisbon Strategy and the Sustainable Development Strategy, both being of a cross-cutting nature. Developments are continuously introduced to adjust the sets of indicators to the actual needs and to improve the quality of the information provided to the general public.

Some fields – such as food safety and quality, chemicals and pesticides, health and environment, corporate responsibility, biodiversity, natural resources, transport, marine ecosystems, good governance and financial services – are not yet adequately covered by indicators.

Main initiatives for 2008 to 2012:

- structural and sustainable development indicators will be adjusted to new emerging user needs and to specific national programmes, taking into account general frameworks such as National Accounts,
- new sustainable development indicators will be developed in cooperation with other Commission services and the European Environment Agency in order to respond better to existing and forthcoming needs, particularly in the fields of food safety and quality, chemicals and pesticides, health and environment, corporate responsibility, biodiversity, natural resources, transport, marine ecosystems, land use and good governance. The regional breakdowns will be further developed as appropriate,
- the quality of existing indicators will be improved and the information about the quality of published indicators will be completed,
- communication on both structural and sustainable development indicators will be enhanced, in line with the importance of the underlying strategies.

Enlargement**Legal framework**

For accession negotiations, the Commission must be able to draw on a complete set of reliable statistics, methodologically comparable with those of the Member States. The statistical assistance to new Member States, candidate countries and pre-candidate countries is governed by a strong legal framework including the Acts of Accession and Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA) ⁽¹⁾.

⁽¹⁾ OJ L 210, 31.7.2006, p. 82.

Current situation

While fulfilling its objectives in the area of statistical assistance, the EU faces three somewhat different challenges:

- integrating the potential new members in all Community mechanisms, including e.g. own-resources budgets and structural funds and all other issues and programmes,
- preparing the candidates properly before their accession by taking part in the negotiation process and following up their commitments during the negotiations until their accession, and
- continuing to prepare remaining candidates and help them to reach full compliance with current Community legislation.

This places high demands on the statistical production of the candidates. Basic economic statistics are indispensable, including sectoral and regional distribution of gross domestic product, population, employment, etc. Other key statistics are those which measure the implementation of the internal market, such as trade in goods, trade in services and freedom of establishment, balance of payments, capital flows, mobility of persons, industrial production and structure, etc. In addition there are requirements for statistics in sectors which are sensitive as regards accession negotiations, supporting primary EU policies such as agriculture, transport, the regions and the environment.

Main initiatives for 2008 to 2012:

- the collection of comparable data for key policies will be consolidated for negotiations and internal Commission purposes,
- assistance to new Member States, candidate countries and pre-candidate countries will be continued in order to adjust their statistical systems to meet Community requirements.

TITLE I

FREE MOVEMENT OF GOODS

Legal framework

EC Treaty provisions: Article 133 (common commercial policy).

Legal acts covering relevant statistical fields: Regulation (EC) No 638/2004 of the European Parliament and of the Council of 31 March 2004 on Community statistics relating to the trading of goods between Member States ⁽¹⁾; Regulation (EC) No 184/2005 of the European Parliament and of the Council of 12 January 2005 on Community statistics concerning balance of payments, international trade in services and foreign direct investment ⁽²⁾.

Current situation

The adjustments of trade statistics legislation mainly with regard to the Intrastat Regulation, the implementation of the Intrastat reporting system in the new Member States and the reduction of the items within the combined nomenclature were major achievements in the last programme period. These developments were accomplished in order better to serve the needs of the users of statistical data at the Community level as well as at Member State level enabling proper interpretation of macroeconomic developments and assessment of the competitiveness of the EU and the Member States. At the same time, the collection and processing of statistical data were optimised and, as a result, the administrative burden on the providers of statistical information was reduced. These results are broadly in line with the objectives of the Lisbon Strategy.

The goals for the period 2008 to 2012 will be to continue further the simplification effort, the harmonisation of the different types of statistics concerning international movements of goods and the balance of payments statistics, while at the same time exploring the possibilities of linking the trade statistics data and nomenclatures with other types of statistics, mainly business statistics or industrial activity nomenclatures. The outcome will be a further move towards a more simplified, transparent and comprehensible framework for the compilation and use of trade statistics, which will further diminish the administrative burden on enterprises and thus foster the competitive position of the European economy. At the same time, interconnecting the different types of statistics should enable the use of new ways of analysing economic and structural developments and sustainable use of resources in the EU.

⁽¹⁾ OJ L 102, 7.4.2004, p. 1.

⁽²⁾ OJ L 35, 8.2.2005, p. 23. Regulation as amended by Commission Regulation (EC) No 602/2006 (OJ L 106, 19.4.2006, p. 10).

Main initiatives for 2008 to 2012:

- the Commission will propose a single-flow system or the implementation of any other method that leads to a significant reduction in the statistical response burden for Intrastat by 2010, taking due account of feasibility studies on the quality, including timeliness of statistics,
- methods and tools will be developed aiming at a better integration of the different types of statistical information required from businesses,
- the consistency between trade in goods statistics and balance of payments statistics will be further improved. In the long term, the aim is to develop an integrated statistical trade system, which reflects the cross-border flows of goods, services and other flows related to trade in a coherent and methodologically consistent manner.

TITLE II

AGRICULTURE

Legal framework

Agricultural statistics reflect the high degree of EU integration of agriculture, the importance of the common agricultural policy (CAP) in the EU budget and the essential role they have in the decision-making process of the CAP.

Current situation

The traditional agricultural statistics will continue to remain crucial for the CAP (market management) and will have to be consolidated and simplified. On the other hand, the new policy concerns (rural development, environmental compliance and impacts, food safety) will require structural statistics which could be less frequent but which should meet the need for detailed and sometimes specific geographical breakdowns matching e.g. spatial data on soil, watersheds and biodiversity. The 2010 agricultural census will be a very valuable source in this respect.

One of the main proposals included in the Commission Communication 'European Action Plan for Organic Food and Farming' of 2004 focuses on an information-led development of the organic food market. To this end, the collection of statistical data on both production and marketing of organic products will be envisaged. The legal architecture of the EU system for agricultural statistics is to be simplified in the near future and will have to be implemented in the EU and in the candidate countries.

Particular attention will be given to the development of specific indicators for the environmental and sustainable management of forests and wood-derived industries. The EU Forest Action Plan will need monitoring after the launch phase scheduled for 2006/2007.

The programme of fishery statistics will include the continued implementation of the existing legislation, including aquaculture statistics, the development of socio-economic indicators and of sustainability indicators and the development of supply balance sheets for fishery products. Eurostat will follow the developments in the proposed Maritime Policy and adapt its programme of work accordingly.

Main initiatives for 2008 to 2012:

- an agricultural census will in principle be carried out in 2009-2010 in accordance with legal acts as well as a decennial survey on vineyards. The 2007 farm structure survey results will be made available in 2008 (as well as the 2007 fruit trees survey results),
- surveys on agricultural production methods, on land use, on input use and on organic farming will be carried out in accordance with legal acts,
- the current surveys on crops and animal production will be carried out in accordance with revised legal acts, which will be aimed at integrating and simplifying existing legislation and reducing the response burden,
- the current feasibility study on the income of the agricultural households sector will be evaluated,

- rural development and agri-environmental indicators will be further developed and made available,
- special attention will be devoted to the development of a more efficient system for collection and validation of agricultural statistics,
- new statistical information will be compiled and launched for guidance of the proposed Maritime Policy which is currently being drafted by the Commission.

TITLE III

FREE MOVEMENT OF PERSONS, SERVICES AND CAPITAL ⁽¹⁾

Legal framework

Free movement of capital and services are crucial for the internal market. They belong to the so-called 'fundamental freedoms' which are central to the internal market. In its responsibility for monitoring the proper and timely application of the EC Treaty provisions governing the freedom of movement of capital and services, the Commission requires reliable and comparable statistical information.

The relevant provisions governing the freedom of capital movements are enshrined in Articles 56 to 60 of the EC Treaty. The freedom to provide cross-border services is set out in Article 49 of that Treaty.

Legal acts covering relevant statistical fields are: Regulation (EC) No 184/2005; Decision No 1608/2003/EC of the European Parliament and of the Council of 22 July 2003 on the production and development of Community statistics on science and technology ⁽²⁾; Regulation (EC) No 716/2007 of the European Parliament and of the Council of 20 June 2007 on Community statistics on the structure and activity of foreign affiliates ⁽³⁾; proposal for a Regulation of the European Parliament and of the Council concerning Structural Business Statistics.

Current situation

The growing importance of free movement of services and capital leads to increasing demand for high-quality statistics. The challenge is to publish relevant data in a timely manner and to adapt the system to the changing requirements of the policy makers, while keeping a low level of burden on respondents.

From 2006, the implementation of the Balance of Payments Regulation has enhanced the quality of trade in services and direct investments data. In addition, statistics on foreign affiliates will allow the globalisation of production systems to be measured. The statistics produced will continue to cover both extra and intra-EU trade and thus meet the needs of the internal market.

The growing importance of multinational enterprises will require new forms of data collection. The new Regulation on business registers covers the transmission of individual data on multinational enterprise groups to Eurostat and feedback of harmonised information to Member States leading to a Community register of multinational enterprise groups (EuroGroups), which will be fully implemented from 2008 and onwards.

Regular production of high-quality statistics on postal services is essential for European policy makers, national regulators and postal operators, to assist the evolution towards an open postal market and beyond. The modalities of the data collection will be based on the assessment of the 2006 pilot project to ensure high data quality.

The internationalisation of research and development (R & D), and of the human resources linked thereto, is crucial for the performance of the European economy. It is therefore important to collect R & D data within the context of balance of payments, foreign affiliate trade statistics and measures for multi-national enterprises.

Main initiatives for 2008 to 2012:

- the NACE Rev. 2 classification of economic activities, with a more detailed services breakdown, will be applied in all relevant fields,

⁽¹⁾ Free movement of persons is addressed in Title IV.

⁽²⁾ OJ L 230, 16.9.2003, p. 1.

⁽³⁾ OJ L 171, 29.6.2007, p. 17.

- implementation and updating of key legislation (balance of payments, international trade in services, foreign direct investment and foreign affiliates) will be ensured,
- improved measurement of the internationalisation of R & D will be pursued,
- work on statistics on residence permits – including both EU and third-country nationals – will continue as long as there are Community policy needs for this type of data.

TITLE IV

VISAS, ASYLUM, IMMIGRATION AND OTHER POLICIES RELATED TO FREE MOVEMENT OF PERSONS ⁽¹⁾

Legal framework

Statistics on migration and asylum, and on crime and criminal justice, in so far as necessary for the performance of the activities of the Community, will develop to meet the evolving need for statistics to support the Commission's Action Plan to implement the Hague programme on Justice, Freedom and Security issues. The Action Plan includes proposals for the management of migration flows, the social and economic integration of migrants, border controls, asylum and strengthening security through common action against crime, particularly organised crime. Substantial increases will be necessary in the availability and quality of statistics to support these measures. This is particularly the case for the implementation of the new four funds proposed in the framework programme on Solidarity and Management of Migration Flows for the period 2007 to 2013. These developments will begin before 2008 but will continue throughout and beyond the lifetime of this statistical programme.

Current situation

Community statistics on migration and asylum are currently subject to serious problems of non-availability of data and poor harmonisation. Measures to overcome those weaknesses are ongoing and will continue throughout the programme period. These improvements will be driven by the implementation of new legislation for Community statistics on migration and asylum in the first years of the programme. The potential in the field of crime statistics will be further explored in accordance with the EU Action Plan 2006 to 2010 on developing a coherent and comprehensive framework to measure crime and criminal justice. The feasibility and advisability of introducing a legal basis for these statistics will be explored.

In recognition of the wide differences among national administrative and statistical systems for migration and asylum and for crime and criminal justice, measures to improve the comparability of statistics will focus on the harmonisation of statistical outputs rather than on the introduction of common data sources and procedures. However, in some cases (such as for statistics on organised crime) it may be necessary to develop new data sources.

Main initiatives for 2008 to 2012:

- the implementation of the legislation concerning Community statistics on migration and asylum will be completed. This will provide a framework for ongoing measures to strengthen the availability, comparability, timeliness and policy relevance of those statistics,
- statistics providing socio-economic information about migrant populations will be developed and disaggregated by gender, where appropriate, including the implementation of ad-hoc modules in the Labour Force Survey and the collection of migrant information as part of the 2011 Community Census Programme,
- the current research being carried out into the potential for Community statistics on crime (including organised crime), victimisation and criminal justice will be continued.

⁽¹⁾ The adoption of measures in the field of police and judicial cooperation in criminal matters is not foreseen by Title IV of the EC Treaty but is part of Title VI of the Treaty on European Union. They are included under Title IV in this document because both migratory policy and police/justice cooperation are covered by the area of Freedom, Security and Justice.

TITLE V

TRANSPORT**Legal framework**

The EU transport policy has developed rapidly over the past 15 years. Its objective has been defined in the transport white papers of 1992 and 2001, and the June 2006 Communication from the Commission to the Council and the European Parliament 'Keep Europe moving – Sustainable mobility for our continent. Mid-term review of the European Commission's 2001 Transport White Paper'. It aims at the optimisation of the transport system, allowing an efficient, competitive, safe, secure and environmentally friendly performance of individual transport modes and their combinations in inter-modal transport chains. Cleaner and more efficient transport is necessary to disconnect increasing mobility from its negative side effects. The EU's transport policy is at the heart of the EU Sustainable Development Strategy and the Lisbon Strategy for growth and jobs.

Current situation

Community transport statistics aim to be a comprehensive transport information system, including data on flows of passengers and goods, traffic, infrastructure, modes of transport, equipment, personal mobility, safety, security, energy consumption and environmental impact, transport costs, infrastructure investments, transport enterprises, and structural and sustainable development indicators.

The coverage of statistics on flows of passengers and goods and on traffic is good for all transport modes except for transport of passengers by road and non-motorised modes. Moreover, statistics on traffic for all modes of transport currently lack some important data necessary to monitor congestion, emissions into the air and further negative environmental impacts. Statistics on freight transport are still mainly centred on single modes of transport and do not provide sufficient information on inter-modal transport chains.

There is currently a lack of indicators which take account of the conditions actually affecting inter and intra-modal competition, particularly with regard to the various aspects of operating conditions: tax, use and toll rates, salary costs and tariffs.

The transport information system currently lacks information on investment and costs in transport infrastructure as well as spatially broken-down information on transport networks and flows, with links between geographic representation of the traffic network and data collected on the network, that is necessary to support the investment in European transport infrastructure and Community regional policies.

Main initiatives for 2008 to 2012:

- the coverage of legal bases for Community transport statistics across all modes of transport will be consolidated and completed. The ongoing work on the production of modal split indicators in both passenger and freight transport will be further developed. Special emphasis will be put on transport of passengers by road,
- the collection of additional statistics on inter-modal transport chains and urban transport as well as the production of indicators needed to monitor the integration of environmental and safety considerations into transport policies will be promoted taking due consideration of cost-burden and benefit aspects. The collection of data on infrastructure investment expenditure and costs will be revised. The need for indicators of logistics performance will also be taken into account. Special emphasis will be put on collecting traffic data expressed in vehicle-kilometres,
- indicators for the analysis of the competitiveness of the transport sector and of intra and inter-modal competition will be developed, the relevant data gathered and the results disseminated in an appropriate form.

TITLE VI

COMMON RULES ON COMPETITION, TAXATION AND APPROXIMATION OF LAWS

No direct statistical programme is required. Statistical information for this title is derived as needed from data and indicators generated for other titles in the programme.

TITLE VII

ECONOMIC AND MONETARY POLICY**Legal framework**

EC Treaty provisions: Articles 99 (coordination and surveillance of economic policies); Article 104 (monitoring of fiscal developments); Article 105 (monetary policy and price stability); Article 133 (common commercial policy); Article 269 (own resources).

Main regulations: Council Regulation (EC) No 2223/96 of 25 June 1996 on the European system of national and regional accounts in the Community ⁽¹⁾ (ESA95); Council Regulation (EC, Euratom) No 1287/2003 of 15 July 2003 on the harmonisation of gross national income at market prices (GNI Regulation) ⁽²⁾; Council Decision 2007/436/EC, Euratom of 7 June 2007 on the system of the European Communities' own resources ⁽³⁾; Council Regulation (EC) No 3605/93 of 22 November 1993 on the Application of the protocol on the excessive deficit procedure, annexed to the Treaty establishing the European Community ⁽⁴⁾; Council Regulation (EC) No 2494/95 of 23 October 1995 concerning harmonised indices of consumer prices ⁽⁵⁾; Council Regulation (EC) No 1165/98 of 19 May 1998 concerning short-term statistics ⁽⁶⁾; Regulation (EC) No 184/2005; Council Regulation (EC, Euratom) No 723/2004 of 22 March 2004 amending the Staff Regulations of Officials of the European Communities and Conditions of Employment of other servants of the European Communities ⁽⁷⁾.

Current situation

The surveillance and coordination of macroeconomic policies in the EU, the conduct of monetary policy in the Economic and Monetary Union, as well as the Community structural policies, require a sound statistical underpinning. Furthermore, the provision of statistics for the administrative purposes of the EU is of utmost importance.

Eurostat and the Member States need to ensure a successful implementation of the European System of Accounts data transmission programme. This data is a key element for business cycle and structural analysis. A significant effort will be made to improve the measurement of productivity, fostered by the EU KLEMS project.

The provision of statistics for EU administrative purposes remains of the utmost importance. This includes the provision of GNI and value added tax data for own resources calculations, macroeconomic data required in support of structural policies (in particular Purchasing Power Parities), and data required for the salaries and pensions of EU officials.

Harmonisation and comparability of the data used for budgetary and fiscal surveillance will be kept under review in order to provide decision-makers with high quality and comparable statistical instruments to support sound judgements on the situation in each Member State.

In recent years the speed of the development of the Harmonised Index of Consumer Prices (HICP) has slowed down and the improvement of the quality of the HICP needs to be pursued more vigorously (particularly on owner-occupied housing, quality adjustment and sampling).

A continuing improvement of timeliness, coverage and dissemination of the Principal European Economic Indicators (PEEI) is needed. This should be proportionate to the risks to the statistical quality in particular regarding the reliability of early estimates. As for short-term statistics (STS), improvements in the coverage of services, especially prices of service output, the length of time series and the timeliness of the data are required.

As regards balance of payments statistics, current challenges include the provision of appropriate input to national accounts, and ensuring the continuing quality of source data in Member States where bank reporting thresholds are being raised.

Main initiatives for 2008 to 2012:

- there will be active participation in the revision of the international standards for national accounts (SNA93) and balance of payments statistics (BPM5),

⁽¹⁾ OJ L 310, 30.11.1996, p. 1. Regulation as last amended by Regulation (EC) No 1267/2003 of the European Parliament and of the Council (OJ L 180, 18.7.2003, p. 1).

⁽²⁾ OJ L 181, 19.7.2003, p. 1.

⁽³⁾ OJ L 163, 23.6.2007, p. 17.

⁽⁴⁾ OJ L 332, 31.12.1993, p. 7. Regulation as last amended by Regulation (EC) No 2103/2005 (OJ L 337, 22.12.2005, p. 1).

⁽⁵⁾ OJ L 257, 27.10.1995, p. 1. Regulation as last amended by Regulation (EC) No 1882/2003.

⁽⁶⁾ OJ L 162, 5.6.1998, p. 1. Regulation as last amended by Regulation (EC) No 1893/2006 of the European Parliament and of the Council (OJ L 393, 30.12.2006, p. 1).

⁽⁷⁾ OJ L 124, 27.4.2004, p. 1.

- the revised European System of Accounts (ESA95) will be implemented,
- NACE Rev. 2 classification of economic activities will be implemented in national accounts, balance of payments and short-term statistics and other key legislation,
- a European system of consumer price statistics centred on the HICP will be established, simplifying and consolidating the HICP legal framework, and ensuring the credibility of the HICP through a more effective communication policy and compliance strategy,
- the coherence between labour market statistics and National Accounts will be improved.

TITLE VIII

EMPLOYMENT

Legal framework

Developments in EU labour statistics will be driven by the revised Lisbon Strategy now refocused on growth and employment in Europe, the targets and benchmarks set in the framework of the European employment strategy and Economic and Monetary Union which requires a comprehensive set of infra-annual statistics to describe the labour market developments in the euro area and the EU.

Current situation

Labour market statistics are governed by a solid legal framework to assure regular data transmission for the estimation of employment, unemployment, earnings and labour cost. Nevertheless, new policy areas will require the extension of the statistical legislation to other domains such as:

- (i) job vacancy statistics, evaluating the demand side of the labour market and complementing statistics on employment and unemployment;
- (ii) the labour market situation of migrants, promoting better integration of this population;
- (iii) the labour market situation of older workers; and
- (iv) the transition from school to work, underpinning adequate policies assuring a smooth incorporation of the young into the labour market.

Other areas such as quality in work and employment in an ageing labour force context, adaptability of workers and enterprises as well as the labour market needs of the information society will continue to focus the attention for the development of statistics.

Statistics on employment and unemployment are mainly designed to meet macroeconomic requirements. In so doing, they fail to take full account of existing regional disparities, particularly in certain urban areas.

The improvement of the Community labour force survey (LFS) in recent years make this survey and its yearly modules the major source for producing comparable data on the labour market. The LFS is a household based survey, the results of which need to be complemented with enterprise based data, such as the structural and short-term statistics on earning and labour cost. However further developments related to quality improvement are still needed in labour market statistics, such as the achievement of greater coherence with employment data from national accounts and from other surveys in business and agriculture and the introduction of European sampling schemes and flash estimates to improve timeliness in the dissemination of indicators. Efforts should also be made to analyse in-depth the existing data sources, to improve dissemination of anonymised individual data, collected for the purposes of Community statistics, to the scientific community and to introduce a revised classification of occupations (ISCO) in 2011 to better reflect the structure of jobs and allow for improved international comparisons.

Main initiatives for 2008 to 2012:

- the 2008 LFS ad-hoc module on the labour market situation of migrants and their descendants, the 2009 LFS ad-hoc module on transitions from school to work and the LFS programme of ad hoc modules 2010 to 2012 will be defined and implemented,

- the coverage of the structural surveys on earnings and labour cost will be extended to the whole economy and the 2008 labour cost surveys and the 2010 structure of earnings survey will be implemented,
- European sampling schemes based on a wider use of existing data may be introduced in short-term labour market statistics, allowing the production of timely quarterly and monthly employment and unemployment aggregates for the euro area,
- statistics on employment and unemployment may include more focussed regional indicators, particularly for urban areas and agglomerations, in order to take fuller account of local variations in employment and unemployment. By 2010 the need for and the cost of a possible introduction of annual statistics for agglomerations of above 500 000 inhabitants will be examined.
- labour statistics will allow monitoring of information society employment,
- the forthcoming Council Regulation on job vacancy statistics will be implemented in full,
- NACE Rev. 2 classification of economic activities will be introduced into the structural surveys on earnings and labour costs, the quarterly labour cost index and the continuous labour force survey.

TITLE IX

COMMON COMMERCIAL POLICY

Legal framework

The responsibility of the Commission for negotiations on commercial agreements with third countries including the trade agreements on services is embedded in Article 133 of the EC Treaty. Legal acts covering relevant statistical fields are: Council Regulation (EC) No 1172/95 of 22 May 1995 on the statistics relating to the trading of goods by the Community and its Member States with non-member countries ⁽¹⁾; Regulation (EC) No 184/2005; Regulation (EC) No 716/2007.

Current situation

The data requirements are increasing as new trade competitors and partners (e.g. China, India, Brazil and other Latin American countries) appear on the world scene and also as a consequence of structural changes in the area of trade in goods and services. In addition, high-quality collection, analysis and harmonisation of data from candidate countries and the main EU partner countries remain a priority.

In parallel, efforts will be made to maintain the quality standards with respect to cross-border trade in services, foreign direct investment and foreign affiliates trade. For this purpose the implementation of Regulation (EC) No 184/2005 and Regulation (EC) No 716/2007 will be of the utmost importance.

Main initiatives for 2008 to 2012:

- new Extrastat legislation will be implemented with the main objective of making available additional relevant customs information and complementary statistics through the use of registers on trade operators,
- key legislation (balance of payments, international trade in services, foreign direct investment and foreign affiliates) will be implemented and updated,
- the new IMF international methodological standards will be implemented in the EU compilation of balance of payments statistics,
- the Manual on Statistics of International Trade in Services and its revised version will be implemented in the EU.

⁽¹⁾ OJ L 118, 25.5.1995, p. 10. Regulation as last amended by Regulation (EC) No 1882/2003.

TITLE X

CUSTOMS COOPERATION

No direct statistical programme is required. Statistical information for this title is derived as needed from data and indicators generated for other titles in the programme.

TITLE XI

SOCIAL POLICY, EDUCATION, VOCATIONAL TRAINING AND YOUTH**Legal framework**

Statistics in this domain will be driven by the open method of coordination (OMC) in the fields of social exclusion, pensions and health care and long-term care; the Sustainable Development Strategy; Articles 143 (social situation report) and 13 (anti-discrimination) of the EC Treaty; the Health and Safety at Work Strategy; the 2003 Council Resolution on promoting the employment and social integration of people with disabilities and the Commission Communication on equal opportunities for people with disabilities: A European Action Plan. The UNECE Strategy for Education for Sustainable Development also advocates for data development.

Current situation

The system of statistics on living conditions and social protection rests on two main pillars: ESSPROS (system of social protection statistics) and EU-SILC (statistics on income and living conditions). These two pillars underpin the Laeken and pension indicators of the OMC. Progress is still to be made to develop indicators on regional and on child poverty.

Concerning the demographic changes in the EU, indicators and statistical analyses relating to ageing, financial sustainability, productivity and labour participation will be further developed in the framework of the OMC and in collaboration with the relevant Council working groups.

Data on lifelong learning cover information on formal and non-formal education and training, and informal learning. Based on established education statistics, new data have been compiled on vocational training in enterprises (measuring the enterprise commitment and contributions to employee vocational training) and on adult education and training. Data on youth are available from existing surveys and these will be fully exploited before further efforts are made to integrate the youth dimensions better in existing surveys.

For health and safety at work, data collection and analysis will focus on the causes, circumstances and costs of accidents at work, on occupational diseases and work-related health problems, as well as on factors which may adversely affect the health of workers. Collection of statistics, in particular harmonised survey modules on disability will be further developed. Statistics will be further improved to support the development of high-quality, accessible and sustainable health care and long-term care.

The key objective for demographic statistics will be to provide the comprehensive set of data and analyses necessary to assess the implications of demographic change in Europe. This will be achieved by improving the methods and contents of demographic data collections, implementing legislation for the 2011 round of population and housing censuses, and by the regular production of long-run population projections.

Main initiatives for 2008 to 2012:

- a limited set of core variables will be developed and a new instrument, European System of Social Statistical Survey Modules (E4SM), will be established,
- the EU-SILC project will be consolidated, the longitudinal dissemination will be developed and the gross income concept will be fully put into operation,
- indicators on regional poverty (using small area estimation techniques where national regional data are not available) and child poverty will be developed,
- implementing regulations on ESSPROS to improve coverage, comparability and timeliness of data will be developed,
- the Regulation on Statistics on Education and Lifelong Learning will be adopted and implemented,

- the existing lifelong learning statistics framework in terms of quality will be improved,
- by 2010, the possibility of implementing the UN Human Development Index in the EU will be examined, taking into account the housing and employment/unemployment factors as well,
- statistics on youth at all educational levels and on youth economic and social integration will be successively compiled, using existing sources and, when needed, integrating them better in existing surveys,
- statistics on children with reference to the internationally agreed age limit of childhood, which is 18 years pursuant to the UN Convention on the Rights of the Child, will be compiled as regards the social situation of and poverty among children,
- all social data collected on individuals at EU level will be disaggregated by gender and a core set of indicators on the equality between men and women will be defined,
- a memorandum of understanding in cooperation with the European Institute for Gender Equality will be drawn up in order to define the practical cooperation modalities,
- possibilities for the development of a common methodology to obtain or to improve existing statistical data on the extent and impact of discrimination will be explored.

TITLE XII

CULTURE

The production of cultural statistics is limited at this stage. Moreover, no comprehensive and coherent framework or separate legislation on cultural statistics exists.

In the light of the contribution of the cultural and creative sectors to the achievement of the Lisbon Strategy objectives, cultural statistics also need to be consolidated to ensure a durable and regular production of data (based on various data sources). Comprehensive methodological work is therefore necessary to e.g. better measure the social and economic impact of cultural and creative sectors in a knowledge-based economy.

TITLE XIII

PUBLIC HEALTH

Legal framework

Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work ⁽¹⁾; Decision No 1786/2002/EC of the European Parliament and of the Council of 23 September 2002 adopting a programme of Community action in the field of public health (2003-2008) ⁽²⁾; Commission proposal of 7 February 2007 for a Regulation of the European Parliament and of the Council on Community statistics on public health and health and safety at work.

Current situation

The health information system, established under previous Community action programmes on public health, will be further developed through actions on 'health knowledge and information' under the forthcoming programme of Community action in the field of public health 2007 to 2013. In close partnership with the Member States, candidate countries and EEA/EFTA countries, Eurostat will, through the ESS, further develop the statistical element of this system, in particular for the European Community Health Indicators (ECHI).

Statistical data on public health are also required for sustainable development indicators, structural indicators, context indicators on disability and indicators developed in the context of the OMC for the support of national strategies for the development of high-quality, accessible and sustainable health care and long-term care.

⁽¹⁾ OJ L 183, 29.6.1989, p. 1. Directive as last amended by Directive 2007/30/EC of the European Parliament and of the Council (OJ L 165, 27.6.2007, p. 21).

⁽²⁾ OJ L 271, 9.10.2002, p. 1. Decision as amended by Decision 786/2004/EC (OJ L 138, 30.4.2004, p. 7).

In cooperation with the activities under the Community public health programme, with the relevant EU agencies and with the international organisations competent in the field of public health statistics (WHO, OECD and UNECE), the focus is on the further development and implementation of the methodology, in particular in the fields of health status, health determinants (such as life style and environmental factors), health care (including health expenditures) and causes of death.

Main initiatives for 2008 to 2012:

- where possible, Commission Regulations will be adopted for the implementation of the forthcoming Regulation of the European Parliament and of the Council concerning Community statistics on public health and health and safety at work,
- the infrastructure for the basic system on public health statistics will be reinforced, giving special attention to the examination, consolidation and implementation of the relevant methodologies, such as the European Health Interview Survey (EHIS) and the System of Health Accounts (SHA),
- the availability, comparability, timeliness and policy relevance of statistics on public health – including statistics on disability and on health care, disaggregated by gender – will be improved, with specific attention to further methodological development and taking into account the different contexts in each country.

TITLE XIV

CONSUMER PROTECTION

Legal framework

Consumer policy has achieved a much higher profile during recent years (Article 153 of the EC Treaty). Eurostat work will rely on the Health and Consumer Protection Strategy and on the proposal for a Decision of the European Parliament and of the Council establishing a Programme of Community action in the field of Health and Consumer protection 2007-2013, adopted by the Commission in April 2005.

The broad field of 'consumer protection' is split into two main areas: 'consumer affairs' and 'food safety'.

Current situation

On consumer affairs, Eurostat is producing on an annual basis a panorama publication 'Consumers in Europe: facts and figures' and has established an inter-services task force on detailed price statistics.

Food safety is an important topic within the context of consumer protection policy and the EU has developed a wide range of legislative and other actions intended to guarantee effective control systems over the full chain, including legally established standards for the environment and animal welfare.

The purpose of Eurostat's effort on food safety statistics is to provide methodological advice and statistical data of interest not only to policy makers but also to private stakeholders and the public in general.

Main initiatives for 2008 to 2012 (consumer affairs):

- 'hard' official statistics (e.g. detailed prices, cross border consumption expenditure, business to consumer, etc.) and a methodological assistance for soft statistics developed by other public/private bodies will be developed,
- an action plan following the conclusions of the inter-services task force on detailed price statistics will be prepared,
- a detailed study about a possible module on consumer protection issues to be included in the new instrument (E4SM) currently being developed by Eurostat will be launched.

Main initiatives for 2008 to 2012 (food safety):

- the development of the relevant statistics for monitoring food safety will be pursued,

- the availability and quality of statistics on labelled products (organic products, products based on genetically modified organisms, etc.) will be improved.

TITLE XV

TRANS-EUROPEAN NETWORKS

No direct statistical programme is required. Statistical information for this title is derived as needed from data and indicators generated for other titles in the programme.

TITLE XVI

INDUSTRY**Business statistics**

Statistics on European businesses are required to support analysis of competitiveness, productivity and growth and form key information for monitoring the progress of the revised Lisbon Strategy objectives.

Legal framework

Council Regulation (EEC) No 3924/91 of 19 December 1991 on the establishment of a Community survey of industrial production ⁽¹⁾; Council Regulation (EC, Euratom) No 58/97 of 20 December 1996 concerning structural business statistics ⁽²⁾; Regulation (EC) No 48/2004 of the European Parliament and of the Council of 5 December 2003 on the production of annual Community statistics on the steel industry for the reference years 2003-2009 ⁽³⁾; Commission Regulation (EC) No 1450/2004 of 13 August 2004 implementing Decision No 1608/2003/EC of the European Parliament and of the Council concerning the production and development of Community statistics on innovation ⁽⁴⁾; Regulation (EC) No 716/2007; Commission proposal of 5 April 2005 for a Regulation of the European Parliament and of the Council establishing a common framework for business registers for statistical purposes.

Current situation

Structural Business Statistics are used for detailed analysis of the European business sector. Main user concerns are the insufficient timeliness of the data and the slow adaptation to new and emerging policy needs, for example insufficient information on the services sector, entrepreneurship, globalisation and the transition to sustainable production patterns. For specific manufacturing sectors, production statistics are an essential complement for the understanding of the performance of the sector.

Community Innovation Statistics are the main tool for measuring innovation in Europe. These statistics have been produced biannually since 2004. As far as possible micro-data access is granted to the Community Innovation Survey (CIS) data.

Statistics on foreign affiliates (FATS) are being developed and the new Regulation will give a basic set of variables for measuring globalisation. The Community register of multinational enterprise groups (EuroGroups) as entailed by the new Business Register Regulation is in a pilot phase.

Main initiatives for 2008 to 2012:

- full implementation of key legislation will be ensured (recast of the SBS Regulation, FATS Regulation, EuroGroups register). Pilot studies foreseen in the legislation will be carried out and fully evaluated,
- for the CIS 2008, the Oslo Manual 2005 will be fully implemented. The CIS 2010 and subsequent Community Innovation Surveys will also further improve data quality and data access,
- new statistics to deepen the understanding of the globalisation of the economy and entrepreneurship will be developed,
- user concerns regarding timeliness and inertia in responding to new needs will be tackled by testing new and flexible ways to collect data through ad-hoc surveys and European sample approaches,

⁽¹⁾ OJ L 374, 31.12.1991, p. 1. Regulation as last amended by Regulation (EC) No 1893/2006.

⁽²⁾ OJ L 14, 17.1.1997, p. 1. Regulation as last amended by Regulation (EC) No 1893/2006.

⁽³⁾ OJ L 7, 13.1.2004, p. 1. Regulation as amended by Regulation (EC) No 1893/2006.

⁽⁴⁾ OJ L 267, 14.8.2004, p. 32. Regulation as amended by Commission Regulation (EC) No 973/2007 (OJ L 216, 21.8.2007, p. 10).

- while protecting the right of enterprises to keep their data confidential, methods of releasing the European aggregates at the most detailed activity level will be developed,
- the NACE Rev. 2 classification of economic activities will be implemented in all business statistics as from the reference year 2008 onwards,
- a special programme will be designed for the re-engineering of business and trade statistics. Within this programme ways to reduce the burden on businesses will be developed.

Information society statistics

The use of Information and Communication Technologies (ICTs) is among the main drivers towards an inclusive society, better jobs, and enhanced competitiveness of European enterprises. Eurostat's statistics on the information society constitute a vital basis for European policy makers to assess the structural changes towards a knowledge-based economy and contribute to the monitoring of the progress towards the revised Lisbon Strategy objectives.

Legal framework

Regulation (EC) No 808/2004 of the European Parliament and of the Council of 21 April 2004 concerning Community statistics on the information society ⁽¹⁾.

Current situation

For several years, Eurostat has contributed to the benchmarking of the information society by providing indicators of ICT usage both in enterprises and by households/individuals. This activity will be continued and improved to adapt to policy demands such as the i2010 initiative based on the revised Lisbon Strategy and further policy initiatives. This entails the need for an adequate legal basis after expiration of the current legislation.

In order to go beyond the aspects of readiness and usage, the collection of data on ICT investment and on the impact of ICT on business outcome and behaviour and on society will complement the ongoing Community surveys. Needs to adapt the legal basis for information society statistics in order to ensure a comprehensive, timely and National-Account-compatible set of data on the ICT sectors and electronic communication will be evaluated.

Main initiatives for 2008 to 2012:

- the indicators on the information society including the indicators on the ICT sector and its competitiveness will be constantly adapted to changing policy needs, taking into account wider international cooperation in ICT measurement,
- statistics on ICT investment and ICT adoption will be developed in order better to meet the objective of measuring the sustainable development and impact of the information society.

Tourism statistics

Tourism is an important economic activity in the EU with a high potential for contributing to higher employment and economic growth as well as to development and socioeconomic integration also in rural, peripheral and underdeveloped areas.

Legal framework

Council Directive 95/57/EC of 23 November 1995 on the collection of statistical information in the field of tourism ⁽²⁾.

Current situation

Currently, statistics are collected on the supply of and demand for tourist accommodation, as well as on economic aspects related to tourism behaviour. Key areas of concern are, however, the achievement of a greater degree of comparability of the existing statistics and the establishment of harmonised tourism satellite accounts embedded in the larger concern for sustainable tourism, for which relevant indicators will need to be defined and measured. Due to the immediate impact on the tourism industry of events such as terrorist attacks or the spread of communicable diseases, a main concern will be the improvement of the timeliness of the data.

⁽¹⁾ OJ L 143, 30.4.2004, p. 49. Regulation as amended by Regulation (EC) No 1893/2006.

⁽²⁾ OJ L 291, 6.12.1995, p. 32. Directive as last amended by Directive 2006/110/EC (OJ L 363, 20.12.2006, p. 418).

Main initiatives for 2008 to 2012:

- the current set of tourism statistics and its legal basis will be modernised and, where possible, simplified,
- harmonised Tourism Satellite Accounts will be implemented (including indicators for sustainable tourism).

Energy statistics

The secure supply of affordable energy commodities in an environmentally friendly manner constitutes the essence of the EU energy policy. The Energy Statistics System has been developed in response to the needs arising from that policy.

Legal framework

The Energy Statistics System is based largely on an agreement. Certain legal obligations exist covering specific aspects of the system, beyond Council Directive 90/377/EEC of 29 June 1990 concerning a Community procedure to improve the transparency of gas and electricity prices charged to industrial end-users ⁽¹⁾.

Current situation

Over the last few years, oil markets have become volatile and unpredictable while prices have reached high levels. EU energy dependency increases continuously; energy demand is on the rise casting doubt on the capability of reducing greenhouse gas emissions while the EU electricity/gas markets have not yet developed into a real competitive internal market. Within this political environment, the Commission – in response to the invitation of Heads of State and Government in 2005 – reacted with a series of proposals (Green Paper: A European Strategy for Sustainable, Competitive and Secure Energy), such as the establishment of a European Energy Supply Observatory to monitor the demand and supply patterns of EU energy markets, a new Community Directive on heating and cooling, target monitoring/defining beyond 2010 on renewable energies (including electricity and liquid biofuels) and the monitoring of energy end-use efficiency improvements.

Main initiatives for 2008 to 2012:

- a Regulation on Energy Statistics covering the current requirements, thus improving quality will be adopted,
- a legal obligation to collect statistics on electricity and gas prices paid by households will be introduced,
- a methodology/approach to identify the actual countries of origin (destination) for gas imports (exports) will be established,
- the methodology/nomenclatures for collecting liquid biofuel statistics will be improved,
- indicators/data collection in order to assess energy efficiency as provided for in Directive 2006/32/EC of the European Parliament and of the Council of 5 April 2006 on energy end-use efficiency and energy services ⁽²⁾ will be defined,
- competition indicators assessing effectiveness of competition and integration of gas/electricity markets will be extended, if necessary.

TITLE XVII

ECONOMIC AND SOCIAL COHESION

Legal framework

Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) ⁽³⁾; Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) ⁽⁴⁾.

⁽¹⁾ OJ L 185, 17.7.1990, p. 16. Directive as last amended by Commission Decision 2007/394/EC (OJ L 148, 9.6.2007, p. 11).

⁽²⁾ OJ L 114, 27.4.2006, p. 64.

⁽³⁾ OJ L 154, 21.6.2003, p. 1. Regulation as last amended by Commission Regulation (EC) No 105/2007 (OJ L 39, 10.2.2007, p. 1).

⁽⁴⁾ OJ L 108, 25.4.2007, p. 1.

Current situation

Regional statistical data are collected for about a dozen broad statistical domains, some of which are covered by a legal act while others are governed by an agreement. Typically, data are sent continuously to Eurostat. Urban data for the urban audit has been collected every 3 years since 2003.

Geographic information is collected and maintained in the GISCO database, for the use of Eurostat and all Commission Directorate Generals. The lack of standards and of a harmonised framework for the collection of information requires a significant amount of resources for proper maintenance and updating. On the other hand, the growing awareness of the potential of the combination of geographic with statistical and thematic information increases the demand for mapping, analyses and applications.

Main initiatives for 2008 to 2012:

- the work to be undertaken under the statistical programme 2008 to 2012 will be determined by the shape of the new Community regional policy within the new programming period for the structural funds. Consolidation work on the existing data will be continued, notably in the urban audit, transport, environment and R & D areas. The implementation of a legislative framework for regional population data and the anticipated revision of the ESA 95 Regulation encompassing the regional accounts data will be of significant importance for the structural indicators work. The methodological consistency of regional statistics will be improved by the inclusion of more rigorous methodology in the relevant legislative framework when revised and the application of quality standards already commenced in regional accounts data will be extended to other regional statistics to assure comparability and timeliness. The implementation of NACE Rev. 2 classification of economic activities will necessitate re-calculating of time series for periods prior to the introduction of the Revision,
- the availability and accessibility of geographical information across the EU will be revolutionised by the implementation of INSPIRE, which aims to develop a European spatial data infrastructure to support environmental and other policies. This will have a significant impact on the organisation and use of such information by Commission services. During this programme period the geographical information team of Eurostat will have to not only contribute to the development of the technical implementation and to provide the organisational infrastructure (including setting up and running the INSPIRE Committee) but also support the implementation of INSPIRE across the EU. The promotion of spatial analysis techniques combining statistical and geographical data will continue for Commission users; the increased availability of spatial data following the infrastructure deployment will greatly improve the potential for the definition of accurate indicators.

TITLE XVIII

RESEARCH AND TECHNOLOGICAL DEVELOPMENT

Legal framework

Science and technology and innovation statistics (STI):

Decision No 1608/2003/EC of the European Parliament and of the Council of 22 July 2003 concerning the production and development of Community statistics on science and technology ⁽¹⁾; Commission Regulation (EC) No 753/2004 of 22 April 2004 implementing Decision No 1608/2003/EC of the European Parliament and of the Council as regards statistics on science and technology ⁽²⁾; Regulation (EC) No 1450/2004.

Statistical research, methodology and nomenclatures: Decision No 1982/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007 to 2013) ⁽³⁾.

Micro-data management and confidentiality: Regulation (EC) No 1104/2006.

Current situation

Science, technology and innovation statistics: the EU policies on science, technology and innovation are a cornerstone of the Lisbon Strategy, as stressed in the conclusions of the Barcelona European Council on 15 and 16 March 2002 and the mid-term review in 2005. Production and dissemination of statistics on R & D, human resources in science and technology, patents, and high-tech industries and knowledge-based services have considerably improved in recent years. Their production is based on own data collections, the use of administrative sources and the use of other official or non-official data sources. The legislative framework has been established.

⁽¹⁾ OJ L 230, 16.9.2003, p. 1.

⁽²⁾ OJ L 118, 23.4.2004, p. 23. Decision as last amended by Commission Regulation (EC) No 973/2007.

⁽³⁾ OJ L 412, 30.12.2006, p. 1.

Statistical research, methodology and nomenclatures: due to the change of working environment, mainly enlargement, globalisation and IT technology, as well as the cost of collecting statistics, there is a need to improve all components of data quality as referred to in Regulation (EC) No 322/97, meet new demands from EU policy-makers and others and adapt statistics to the change of society.

Micro-data management and confidentiality: Easy access for researchers to micro-data collected at the European level as part of the statistical production in accordance with Article 285 of the EC Treaty, is important. Such access will comply with the appropriate legislation on confidentiality, e.g. Regulation (EC) No 322/97 and Council Regulation (Euratom, EEC) No 1588/90 of 11 June 1990 on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities ⁽¹⁾. New secure solutions are to be found.

Main initiatives for 2008 to 2012:

- science, technology and innovation statistics: In the coming years, the work on science, technology and innovation statistics will concentrate on achieving better data quality, improving statistical methods, nomenclatures, concepts and definitions (for e.g. better measuring knowledge flows; using internationally harmonised raw data source Patstat), opening to additional data sources and to the full implementation of statistics on career development of doctorate holders, as well as updating the existing legislation on the various statistical domains covered and providing better input to national accounts,
- statistical research, methodology and nomenclatures: In the 7th framework programme, priority will be given to the improvement of thematic areas, but also to research aiming at the improvement of data quality through innovative methodologies including modelling, estimation or imputation. The functional research community in official statistics will be reactivated by encouraging networks. The dissemination and use of results from research on official statistics in the 6th and 7th framework programmes and the application of the results at operational level will be promoted and facilitated. More work needs also to be done in improving the nomenclatures used (e.g. European surveys of enterprise groups performing R & D), and in using and enlarging European infrastructure of registers of enterprise groups,
- micro-data management and confidentiality: an integrated approach to and methodology for the development of European infrastructures for facilitating access for researchers to anonymised data in the framework of the current legislation will be promoted.

TITLE XIX

ENVIRONMENT

Legal framework

EU environment statistics are driven by requests for high quality, comprehensive, reliable and relevant statistics, accounts and indicators to further develop, implement and monitor the Community's environmental policy, in particular the sixth Environmental Action Programme and its 'Thematic Strategies', the environmental objectives of the EU Sustainable Development Strategy (SDS) and the Lisbon Strategy, and the Cardiff process on the integration of environmental concerns into all policy areas. At present only statistics on waste ⁽²⁾ and environmental expenditure ⁽³⁾ are collected under legal cover.

Current situation

Currently the European Environment Agency, the Joint Research Centre (JRC), the Commission Directorate-General for the Environment (DG ENV) and Eurostat host environmental data. A technical arrangement on the distribution of responsibilities and labour, leading to the establishment of environmental data centres (EDCs), has been agreed by the Group of Four (Go4) ⁽⁴⁾. An increased interoperability of the IT infrastructure of the Go4 partners will be ensured. The close partnership with international organisations (UN, OECD) on methods, (e.g. handbooks) and on data collection (Eurostat/OECD Joint Questionnaire) complements the framework for environment statistics and accounts.

Meeting the data demands of the 'Thematic Strategies', e.g. on the 'Prevention and recycling of waste', the 'Sustainable use of natural resources' and the 'Sustainable use of pesticides' is the key priority; the production of basic environmental statistics is continued, as well as the provision of statistics and indicators on water, air, biodiversity, soil, forests and land use to the other EDCs.

⁽¹⁾ OJ L 151, 15.6.1990, p. 1. Regulation as last amended by Regulation (EC) No 1882/2003.

⁽²⁾ Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on Waste Statistics (OJ L 332, 9.12.2002, p. 1). Regulation as last amended by Regulation (EC) No 1893/2006.

⁽³⁾ Regulation (EC, Euratom) No 58/97.

⁽⁴⁾ Technical Arrangement of 14 November 2005 on the establishment of Environmental Data Centres, agreed between the four Community bodies involved in environmental reporting and dissemination of data.

Better analysing and quantifying the link between the economic and environmental pillars of the SDS necessitate further development of environmental-economic accounts. Some sub-domains of environmental information show considerable gaps and are not always up-to-date. The share of environment statistics and accounts under EU legal cover is low. Legal bases for other core areas should be considered.

Main initiatives for 2008 to 2012:

In order to improve synergies, planning and implementation relating to environment statistics, work in 2008 to 2012 will be coordinated through the 'Directors' Meeting on Environment Statistics and Accounts' (DIMESA), which covers the two networks Go4 and Member States:

- the data centres for waste, natural resources and products and the regulations on waste statistics and pesticides (planned) will provide high-quality data, meeting the data requests of the Thematic Strategies,
- existing environmental indicators will be streamlined, new indicators will be developed and technical support will be provided for the calculation of indicators at EU level, and for the review of reporting obligations for more focused and cost-effective environmental data collection,
- methodological development and research on environmental-economic accounts will be promoted further and the major environmental accounts modules will be implemented,
- estimation and nowcasting methods to fill data gaps and increase the timeliness of environmental statistics and accounts will be further improved,
- legal bases will be developed, where appropriate, for core areas of environmental data collection currently not covered by legal acts.

TITLE XX

DEVELOPMENT COOPERATION

Good statistics are essential for assessing the success of development policy. They are needed by developing countries for evidence-based policy making. Furthermore, in the context of consolidating democracy and the rule of law and that of respecting human rights, statistics are an example of good governance and can help to promote good governance and transparency provided that appropriate quality standards of statistical production are met, and that accessibility and dissemination of official statistics is ensured.

Legal framework

Article 180 of the EC Treaty.

Current situation

Much needs to be done in developing countries to increase statistical capacity. The overall objective is to support EU external relations policies by providing appropriate and focused statistical technical assistance in order to strengthen statistical capacity in countries benefiting from EU aid. This support must be durable. In this respect, efforts should be made to ensure that statistics form an integral part of national and regional development plans.

The most significant policy element is the increased and explicit focus on poverty reduction in the EC's development policy, in particular with ACP countries, and especially in Africa. Consequently, statistical cooperation is increasingly focused on strengthening the measurement and monitoring of poverty, with a particular emphasis on the Millennium Development Goal (MDG) indicators.

Technical advice and support is provided in the area of measuring the impact of EU development programmes and with regard to the statistical element of EU regional development programmes in general.

Regional integration is a continuing emphasis of the programme, mirroring the increased moves amongst countries themselves to strengthen their regional structures. Areas for support include multilateral surveillance, improvement of national accounts, price statistics, agricultural statistics, statistics on natural resources and on the pressures on the environment, foreign trade, business statistics and statistical training.

The ESS continues and strengthens its efforts to improve coordination amongst the donor community (i.e. bilateral and multilateral donors). Accordingly, Eurostat and Member States support work, in particular in the context of the OECD/DAC, UN and World Bank, to assess the impact of development cooperation on reaching the MDGs. As such, it plays an active part in the PARIS 21 initiative. In particular, technical cooperation activities stress the importance of a user focus, and promote the value of multi-annual programming.

Main initiatives for 2008 to 2012:

- the visibility of statistics in national and regional development plans will be increased,
- technical advice and scientific support will be provided, where possible, for the conduct of statistical development programmes, in particular at regional level; to support projects with statistical implications and harmonisation of statistics in countries benefiting from EU aid; and to contribute to the assessment of the statistical priorities for the planning and programming of EU statistical cooperation activities,
- particular emphasis, taking into account the gender dimension, will be put on measuring and monitoring poverty, progress on social cohesion, environmental sustainability and the MDG indicators.

TITLE XXI

ECONOMIC, FINANCIAL AND TECHNICAL COOPERATION WITH THIRD COUNTRIES

Legal framework

Council Regulation (Euratom, EC) No 1279/96 of 25 June 1996 concerning the provision of assistance to economic reform and recovery in the New Independent States and Mongolia ⁽¹⁾; Communication of 9 December 2004 from the Commission to the Council on the Commission proposals for action plans under the European Neighbourhood Policy (ENP).

Current situation

Statistical cooperation with the countries covered by the ENP aims at supporting the development of these countries' statistical systems with a view to providing a basic set of harmonised data meeting EU requirements in areas where EU policies call for such data. The statistical assistance for these countries is implemented through the European Neighbourhood and Partnership Instrument.

Main initiatives for 2008 to 2012:

- the key areas of economic statistics, national accounts and price statistics, external trade, migration statistics and social statistics will be developed. In addition, other sectors like energy and environment statistics – and, more broadly, sustainable development indicators – should progressively emerge as a key input for policy making,
- cooperation will also aim at building-up and enhancing the institutional capacities of the national statistical offices and inter-institutional cooperation.

⁽¹⁾ OJ L 165, 4.7.1996, p. 1.

II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

DECISIONS

COMMISSION

COMMISSION DECISION

of 18 December 2007

on the continuation in the year 2008 of Community comparative trials and tests on propagating and planting material of *Malus Mill.* under Council Directive 92/34/EEC started in 2004

(2007/872/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Directive 92/34/EEC as regards *Malus Mill.* from 2004 to 2008.

Having regard to the Treaty establishing the European Community,

(2) Tests and trials carried out in 2004 to 2007 should be continued in 2008,

Having regard to Council Directive 92/34/EEC of 28 April 1992 on the marketing of fruit plant propagating material and fruit plants, intended for fruit production ⁽¹⁾,

HAS DECIDED AS FOLLOWS:

Sole Article

Having regard to Commission Decision 2003/894/EC of 11 December 2003 setting out the arrangements for Community comparative trials and tests on propagating and planting material of *Prunus persica* (L.) Batsch, *Malus Mill.* and *Rubus idaeus* L. pursuant to Council Directive 92/34/EEC ⁽²⁾, and in particular Article 3 thereof,

Community comparative trials and tests which began in 2004 on propagating and planting material of *Malus Mill.* shall be continued in 2008 in accordance with Decision 2003/894/EC.

Done at Brussels, 18 December 2007.

Whereas:

(1) Decision 2003/894/EC sets out the arrangements for the comparative trials and tests to be carried out under

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ L 157, 10.6.1992, p. 10. Directive as last amended by Commission Decision 2007/776/EC (OJ L 312, 30.11.2007, p. 48).

⁽²⁾ OJ L 333, 20.12.2003, p. 88.

COMMISSION DECISION

of 18 December 2007

approving the national programme for the control of salmonella in breeding flocks of *Gallus gallus*
submitted by Bulgaria

(notified under document number C(2007) 6353)

(Only the Bulgarian text is authentic)

(2007/873/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of salmonella and other specified food-borne zoonotic agents ⁽¹⁾ and, in particular Article 6(2) thereof,

Whereas:

- (1) The purpose of Regulation (EC) No 2160/2003 is to ensure that proper and effective measures are taken to detect and control salmonella and other zoonotic agents at all relevant stages of production, processing and distribution, particularly at the level of primary production, in order to reduce their prevalence and the risk they pose to public health.
- (2) A Community target was established for the reduction of the prevalence of all salmonella serotypes with public health significance in breeding flocks of *Gallus gallus* at the level of primary production by Commission Regulation (EC) No 1003/2005 of 30 June 2005 implementing Regulation (EC) No 2160/2003 of the European Parliament and of the Council as regards a Community target for the reduction of the prevalence of certain salmonella serotypes in breeding flocks of *Gallus gallus* and amending Regulation (EC) No 2160/2003 ⁽²⁾.
- (3) In order to achieve the Community target Member States are to establish national programmes for the control of salmonella in breeding flocks of *Gallus gallus* and submit them to the Commission in accordance with Regulation (EC) No 2160/2003.

- (4) Bulgaria has submitted its national programme for the control of salmonella in breeding flocks of *Gallus gallus*.
- (5) The programme submitted by Bulgaria was found to comply with relevant Community veterinary legislation and in particular with Regulation (EC) No 2160/2003.
- (6) The national control programme submitted by Bulgaria should therefore be approved.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The national programme for the control of salmonella in breeding flocks of *Gallus gallus* submitted by Bulgaria is approved.

Article 2

This Decision shall apply from 1 February 2008.

Article 3

This Decision is addressed to Bulgaria.

Done at Brussels, 18 December 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 325, 12.12.2003, p. 1. Regulation as amended by Commission Regulation (EC) No 1237/2007 (OJ L 280, 24.10.2007, p. 5).

⁽²⁾ OJ L 170, 1.7.2005, p. 12. Regulation as amended by Regulation (EC) No 1168/2006 (OJ L 211, 1.8.2006, p. 4).

COMMISSION DECISION

of 18 December 2007

approving the national programme for the control of salmonella in breeding flocks of *Gallus gallus*
submitted by Romania

(notified under document number C(2007) 6354)

(Only the Romanian text is authentic)

(2007/874/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of salmonella and other specified food-borne zoonotic agents ⁽¹⁾ and, in particular Article 6(2) thereof,

Whereas:

(1) The purpose of Regulation (EC) No 2160/2003 is to ensure that proper and effective measures are taken to detect and control salmonella and other zoonotic agents at all relevant stages of production, processing and distribution, particularly at the level of primary production, in order to reduce their prevalence and the risk they pose to public health.

(2) A Community target was established for the reduction of the prevalence of all salmonella serotypes with public health significance in breeding flocks of *Gallus gallus* at the level of primary production by Commission Regulation (EC) No 1003/2005 of 30 June 2005 implementing Regulation (EC) No 2160/2003 as regards a Community target for the reduction of the prevalence of certain salmonella serotypes in breeding flocks of *Gallus gallus* and amending Regulation (EC) No 2160/2003 ⁽²⁾.

(3) In order to achieve the Community target Member States are to establish national programmes for the control of salmonella in breeding flocks of *Gallus gallus* and submit them to the Commission in accordance with Regulation (EC) No 2160/2003.

(4) Romania has submitted its national programme for the control of salmonella in breeding flocks of *Gallus gallus*.

(5) The programme submitted by Romania was found to comply with relevant Community veterinary legislation and in particular with Regulation (EC) No 2160/2003.

(6) The national control programme submitted by Romania should therefore be approved.

(7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The national programme for the control of salmonella in breeding flocks of *Gallus gallus* submitted by Romania is approved.

Article 2

This Decision shall apply from 1 January 2008.

⁽¹⁾ OJ L 325, 12.12.2003, p. 1. Regulation as amended by Commission Regulation (EC) No 1237/2007 (OJ L 280, 24.10.2007, p. 5).

⁽²⁾ OJ L 170, 1.7.2005, p. 12. Regulation as amended by Regulation (EC) No 1168/2006 (OJ L 211, 1.8.2006, p. 4).

Article 3

This Decision is addressed to Romania.

Done at Brussels, 18 December 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission

COMMISSION DECISION

of 18 December 2007

amending Decision No 2119/98/EC of the European Parliament and of the Council and Decision 2000/96/EC as regards communicable diseases listed in those decisions*(notified under document number C(2007) 6355)***(Text with EEA relevance)**

(2007/875/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Decision No 2119/98/EC of the European Parliament and of the Council of 24 September 1998 setting up a network for the epidemiological surveillance and control of communicable diseases in the Community⁽¹⁾, and in particular Article 3(a).

Whereas:

- (1) Decision No 2119/98/EC provides for the establishment of a network at Community level to promote cooperation and coordination regarding the prevention and control of certain categories of communicable diseases referred to in that Decision.
- (2) Commission Decision 2000/96/EC of 22 December 1999 on the communicable diseases to be progressively covered by the Community network under Decision No 2119/98/EC of the European Parliament and of the Council⁽²⁾, lists certain communicable diseases to be covered by epidemiological surveillance in the Community network set up under Decision No 2119/98/EC.
- (3) New communicable diseases have recently emerged and new micro organisms capable of endangering public health have been identified. Severe Acute Respiratory Syndrome (SARS) appeared in 2003 and since then is considered a potential high threat for public health. High pathogenic and low pathogenic avian influenza viruses pose a serious risk to individuals and the evolution towards a potential pandemic influenza. West Nile virus infection in humans has been recently reported by an increasing number of Member States in the EU and countries outside Europe constituting a serious risk for public health. Humans are mainly infected through mosquito bites, although infection through blood transfusion and organ transplantation has been documented, as well as trans-placental transmission.

- (4) The Annexes to Decisions No 2119/98/EC and No 2000/96/EC should therefore be amended in order to cover Severe Acute Respiratory Syndrome (SARS), avian influenza in humans and West Nile virus infection.

- (5) The new International Health Regulations (2005) entered into force on 16 June 2007 and are no longer restricted to specific diseases but cover all public health emergencies of international concern identified as such according to the instrument provided in Annex 2 of the Regulations. It is therefore appropriate to amend the Annex of Decision 2119/98/EC.

- (6) The measures provided for in this Decision are in accordance with the opinion of the Committee set up by Article 7 of Decision No 2119/98/EC,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision No 2119/98/EC is amended in accordance with Annex I to this Decision.

Article 2

Annex I to Decision 2000/96/EC is amended in accordance with Annex II to this Decision.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 18 December 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 268, 3.10.1998, p. 1. Decision as last amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

⁽²⁾ OJ L 28, 3.2.2000, p. 50. Decision as amended by Decision 2003/542/EC (OJ L 185, 24.7.2003, p. 55).

ANNEX I

The Annex to Decision No 2119/98/EC is amended as follows:

1. The eighth indent is replaced with the following:

‘— Communicable diseases which may lead to potential emergencies of international concern identified according to Annex 2 of the International Health Regulations.’

2. The last indent is replaced by the following:

— Vector borne diseases

— Zoonotic diseases

— Other communicable diseases of public health importance including diseases caused by deliberate release.’

ANNEX II

Annex I to Decision 2000/96/EC is amended as follows:

1. in point 2.5.2 the following terms are added:

‘Severe Acute Respiratory Syndrome (SARS)’;

2. in point 2.5.3 the following terms are added:

‘Avian influenza in humans’;

‘West Nile virus infection’

COMMISSION DECISION**of 19 December 2007****amending Decision 2007/25/EC as regards the extension of its period of application***(notified under document number C(2007) 6395)***(Text with EEA relevance)****(2007/876/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) 998/2003 of 26 May 2003 of the European Parliament and of the Council on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC ⁽¹⁾, and in particular Article 18 thereof,

Whereas:

- (1) Commission Decision 2007/25/EC of 22 December 2006 as regards certain protection measures in relation to highly pathogenic avian influenza and movements of pet birds accompanying their owners into the Community ⁽²⁾ applies until 31 December 2007.
- (2) However, avian influenza outbreaks caused by the highly pathogenic avian influenza strain H5N1 are still detected on a regular basis in certain member countries of the World Organisation for Animal Health (OIE). The disease is therefore not yet contained. Furthermore, human cases and even deaths resulting from close contact with infected birds continue to occur in countries around the globe.
- (3) In order to prevent the spread of the avian influenza virus caused by pet birds moved into Community

territory from a third country, it is therefore appropriate to extend the period of application of Decision 2007/25/EC until 31 December 2008.

- (4) Decision 2007/25/EC should therefore be amended accordingly.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

In Article 6 of Decision 2007/25/EC, the date '31 December 2007' is replaced by '31 December 2008'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 19 December 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 146, 13.6.2003, p. 1. Regulation as last amended by Regulation (EC) No 245/2007 (OJ L 73, 13.3.2007, p. 9).

⁽²⁾ OJ L 8, 13.1.2007, p. 29.

COMMISSION DECISION

of 19 December 2007

on a Community financial contribution for 2007 to cover expenditure incurred by Belgium, Germany, France, the Netherlands and Finland for the purpose of combating organisms harmful to plants or plant products

*(notified under document number C(2007) 6405)***(Only the Dutch, Finnish, French, German and Swedish texts are authentic)**

(2007/877/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽¹⁾, and in particular Article 23 thereof,

Whereas:

(1) Pursuant to Directive 2000/29/EC, a financial contribution from the Community may be granted to Member States to cover expenditure relating directly to the necessary measures which have been taken or are planned to be taken for the purpose of combating harmful organisms introduced from third countries or from other areas in the Community, in order to eradicate or, if that is not possible, to contain them.

(2) Belgium, Germany, France, the Netherlands and Finland have each established a programme of actions to eradicate organisms harmful to plants introduced in their territories. These programmes specify the objectives to be achieved, the measures carried out, their duration and their cost. Belgium, Germany, France, the Netherlands and Finland have applied for the allocation of a Community financial contribution to these programmes within the time limit set out in Directive 2000/29/EC and in accordance with Commission Regulation (EC) No 1040/2002 of 14 June 2002 establishing detailed rules for the implementation of the provisions relating to the allocation of a financial contribution from the Community for plant-health control and repealing Regulation (EC) No 2051/97 ⁽²⁾.

(3) The technical information provided by Belgium, Germany, France, the Netherlands and Finland has enabled the Commission to analyse the situation accurately and comprehensively and to conclude that the conditions for the granting of a Community financial contribution, as laid down in particular in Article 23 of Directive 2000/29/EC, have been met. Accordingly, it is appropriate to provide a Community financial contribution to cover the expenditure on these programmes.

(4) The Community financial contribution may cover up to 50 % of eligible expenditure. However, in accordance with Article 23(5) third paragraph of the Directive, the rate of the Community financial contribution for the programme presented by Germany and a part of the programme of the Netherlands should be reduced as the programmes notified by these Member States have already been the subject of Community funding respectively under Commission Decision 2006/885/EC ⁽³⁾ for Germany and Decision 2005/789/EC ⁽⁴⁾ for the Netherlands.

(5) In accordance with Article 24 of Directive 2000/29/EC the Commission shall ascertain whether the introduction of the relevant harmful organism has been caused by inadequate examinations or inspections and adopt the measures required by the findings from its verification.

(6) In accordance with Article 3(2)(a) of Council Regulation (EC) No 1290/2005 of 21 June 2005 ⁽⁵⁾ on the financing of the common agricultural policy, plant-health measures are to be financed from the European Agricultural Guarantee Fund. For the purpose of financial control of these measures Articles 9, 36 and 37 of the above Regulation shall apply.

(7) The measures provided in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

⁽¹⁾ OJ L 169, 10.7.2000, p. 1. Directive as last amended by Directive 2007/41/EC (OJ L 169, 29.6.2007, p. 51).

⁽²⁾ OJ L 157, 15.6.2002, p. 38. Regulation as amended by Regulation (EC) No 738/2005 (OJ L 122, 14.5.2005, p. 17).

⁽³⁾ OJ L 341, 7.12.2006, p. 43.

⁽⁴⁾ OJ L 296, 12.11.2005, p. 42.

⁽⁵⁾ OJ L 209, 11.8.2005, p. 1. Regulation as last amended by Regulation (EC) No 1437/2007 (OJ L 322, 7.12.2007, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

The allocation of a Community financial contribution for 2007 to cover expenditure incurred by Belgium, Germany, France, the Netherlands and Finland relating to necessary measures as specified in Article 23(2) of Directive 2000/29/EC and taken for the purpose of combating the organisms concerned by the eradication programmes listed in the Annex is hereby approved.

Article 2

1. The total amount of the financial contribution referred to in Article 1 is EUR 694 273.
2. The maximum amounts of the Community financial contribution for each of the programmes shall be as indicated in the Annex.

Article 3

The Community financial contribution as set out in the Annex shall be paid on the following conditions:

(a) evidence of the measures taken has been given in accordance with the provisions laid down in Regulation (EC) No 1040/2002;

(b) a request for payment has been submitted by the Member State concerned to the Commission, in accordance with Article 5 of Regulation (EC) No 1040/2002.

The payment of the financial contribution is without prejudice of the verifications by the Commission under Article 24 of Directive 2000/29/EC.

Article 4

This Decision is addressed to the Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Kingdom of the Netherlands and the Finnish Republic.

Done at Brussels, 19 December 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

ERADICATION PROGRAMMES

SECTION I

Programmes whose Community financial contribution corresponds to 50 % of eligible expenditure

Member State	Harmful organisms combated	Affected plants	Year	Eligible expenditure (EUR)	Maximum Community contribution (EUR) Per programme
Belgium	<i>Diabrotica virgifera</i>	Maize	2005 and 2006	67 331	33 665
Finland	<i>Bemisia tabaci</i>	<i>Euphorbia pulcherrima</i>	2006 and 2007	109 262	54 631
France	<i>Diabrotica virgifera</i>	Maize	2005 and 2006	871 548	435 774
The Netherlands	<i>Diabrotica virgifera</i>	Maize	2005	282 557	141 278

SECTION II

Programmes whose Community financial contribution rates differ, in application of degressivity

Member State	Harmful organisms combated	Affected plants	Year	a	Eligible expenditure (EUR)	Rate (%)	Maximum Community contribution (EUR)
Germany	<i>Anoplophora glabripennis</i>	Various trees	2006	3	26 950	45	12 127
The Netherlands	<i>Diabrotica virgifera</i>	Maize	2005 (Alsemeer area)	3	37 330	45	16 798
Total Community contribution (EUR)					694 273		

Legend:

a = Year of implementation of the eradication programme.

COMMISSION DECISION

of 21 December 2007

amending Decision 2006/415/EC concerning certain protection measures in relation to highly pathogenic avian influenza of the subtype H5N1 in poultry in Germany, Poland and the United Kingdom*(notified under document number C(2007) 6802)***(Text with EEA relevance)**

(2007/878/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,

Having regard to Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC ⁽³⁾, and in particular Article 63(3) thereof,

Whereas:

(1) Commission Decision 2006/415/EC of 14 June 2006 concerning certain protection measures in relation to highly pathogenic avian influenza of the subtype H5N1 in poultry in the Community and repealing Decision 2006/135/EC ⁽⁴⁾ lays down certain protection measures to be applied in order to prevent the spread of that disease, including the establishment of areas A and B following a suspected or confirmed outbreak of the disease.

(2) Following outbreaks of highly pathogenic avian influenza of H5N1 subtype in Poland and Germany Decision 2006/415/EC was amended by Commission Decisions 2007/785/EC ⁽⁵⁾, 2007/816/EC ⁽⁶⁾, 2007/838/EC ⁽⁷⁾ and 2007/844/EC.

(3) The protection measures taken by Poland and Germany pursuant to Decision 2006/415/EC, including the establishment of areas A and B, as provided for in Article 4 of that Decision, have now been reviewed within the framework of the Standing Committee on the Food Chain and Animal Health.

(4) The protection measures concerning Germany can be confirmed.

(5) Due to a further outbreak of the disease in Poland the borders of area A and the duration of the measures should be modified to take account of the epidemiological situation.

(6) The United Kingdom has notified to the Commission that due to the favourable disease situation in that Member State all control measures in relation to outbreaks of highly pathogenic avian influenza of the subtype H5N1 on their territory have been lifted by 19 December 2007 and therefore the establishment of areas A and B in that Member State in accordance with Article 4(2) of Decision 2006/415/EC is no longer necessary.

(7) For reasons of clarity the Annex to Decision 2006/415/EC should be replaced in whole.

(8) Decision 2006/415/EC should therefore be amended accordingly.

(9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 395, 30.12.1989, p. 13. Directive as last amended by Directive 2004/41/EC of the European Parliament and of the Council (OJ L 157, 30.4.2004, p. 33), as corrected by OJ L 195, 2.6.2004, p. 12.

⁽²⁾ OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).

⁽³⁾ OJ L 10, 14.1.2006, p. 16.

⁽⁴⁾ OJ L 164, 16.6.2006, p. 51. Decision as last amended by Decision 2007/844/EC (OJ L 332, 18.12.2007, p. 101).

⁽⁵⁾ OJ L 316, 4.12.2007, p. 62.

⁽⁶⁾ OJ L 326, 12.12.2007, p. 32.

⁽⁷⁾ OJ L 330, 15.12.2007, p. 51.

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2006/415/EC is replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 December 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

'ANNEX

PART A

Area A as established in accordance with Article 4(2):

ISO Country Code	Member State	Area A		Date until applicable Article 4(4)(b)(iii)
		Code (if available)	Name	
DE	GERMANY		The 10 km zone established around the outbreak in the commune of Großwoltersdorf including all or parts of the communes of:	15.1.2008
			Landkreis Oberhavel: Fürstenberg/Havel, Gransee, Großwoltersdorf, Sonnenberg, Stechlin	
			Landkreis Ostprignitz-Ruppin: Lindow (Mark), Rheinsberg	
			Landkreis Mecklenburg-Strelitz: Priepert, Wesenberg	
			The 10 km zone established around the outbreak in the commune of Bensdorf including all or parts of the communes of:	21.1.2008
			Kreisfreie Stadt Brandenburg an der Havel	
			Landkreis Havelland: Milower Land	
			Landkreis Potsdam-Mittelmark: Bensdorf, Havelsee, Rosenau, Wusterwitz	
			Landkreis Jerichower Land: Brettin, Demsin, Genthin, Kade, Karow, Klitsche, Roßdorf, Schlagenthin, Zabakuck	
PL	POLAND	MAZOWIECKIE VOIVODSHIP 01400 PŁOCKI 01419	Protection zone: Municipality of Brudzeń Duży: Główina Gorzechówko Gorzechowo Myśliborzyce Rembielin Rokicie Siecień Siecień Rumunki Strupczewo Duże Uniejewo Więclawice Municipality of Nowy Duninów: Karolewo Nowa Wieś Nowy Duninów	16.1.2008
		MAZOWIECKIE VOIVODSHIP 01400 ŻUROMIŃSKI 01437	Protection zone: Municipality of Biezuń: Biezuń Dźwierzno Karniszyn Karniszyn Parcele Kobyła Łąka Kocewo	

ISO Country Code	Member State	Area A		Date until applicable Article 4(4)(b)(iii)
		Code (if available)	Name	
			Myślin Sadłowo Sadłowo Parcele Strzeszewo	
		KUJAWSKO- POMORSKIE VOIVODSHIP 00400 WŁOCŁAWSKI 00418	Protection zone: Municipality of Włocławek: Skoki Duże Skoki Małe	
		WARMIŃSKO- MAZURSKIE VOIVODSHIP 02800 ELBLĄSKI 02804	Protection zone: Municipality of Godkowo: Dąbkowo Krykajny Łępno Nowe Wikrowo Olkowo Piskajny	
		WARMIŃSKO- MAZURSKIE VOIVODSHIP 02800 OSTRÓDZKI 02815	Protection zone: Municipality of Miłakowo: Głodówko Pawelki Biernatki Rycerzewo Polkajny Stolno Kługajny	
		MAZOWIECKIE VOIVODSHIP 01400 PŁOCKI 01419	Surveillance zone: Municipality of Brudzeń Duży: Bądkowo Bądkowo Jeziorne Bądkowo Kościelne Bądkowo Podlasie Bądkowo Rochny Biskupice Brudzeń Duży Brudzeń Mały Cegielnia Cierszewo Izabelin Janoszyce Karwosieki Cholewice Kłobukowo Krzyżanowo Lasotki Murzynowo Noskowice Parzeń Parzeń Janówek Patrze Radotki Robertowo Sikórz Sobowo Suchodół Turza Mała Turza Wielka Wincentowo Winnica Zdziębórz Żerniki	

ISO Country Code	Member State	Area A		Date until applicable Article 4(4)(b)(iii)
		Code (if available)	Name	
			Municipality of Stara Biała: Brwilno Górne Kobierniki Kowalewko Ludwikowo Mańkowo Maszewo Duże Srebrna Ulaszewo Wyszyna Municipality of Nowy Duninów: Brwilno Dolne Brzezina Góra Duninów Duży Grodziska Jeżowo Kamion Kobyła Góra Środoń Stary Duninów Studzianka Wola Brwileńska	
		MAZOWIECKIE VOIVODSHIP 01400 SIERPECKI 01427	Surveillance zone: Municipality of Mochowo: Będorzyn. Grodnia Łukoszyn Łukoszyno Biki Municipality of Rościszewo: Lipniki Ostrów Polik Rzeszotary Nowe Rzeszotary Zawady Września Municipality of Zawidz: Jaworowo Kolonia Jaworowo Klódź Jaworowo Lipa Jaworowo Próchniatka	
		MAZOWIECKIE VOIVODSHIP 01400 ŻUROMIŃSKI 01437	Surveillance zone: Municipality of Biezuń: Adamowo Bielawy Gołuskie Dąbrówki Gołuszyn Mak Małocin Pełki Pozga Sławęcin Stanisławowo Stawiszyn Łaziska Stawiszyn Zwalewo Trzaski Wilewo Władysławowo	

ISO Country Code	Member State	Area A		Date until applicable Article 4(4)(b)(iii)
		Code (if available)	Name	
			Municipality of Żuromin: Będymin Chamsk Dębsk Franciszkowo Kruszewo Młudzyno Olszew Poniatowo Żuromin Municipality of Lutocin: Chromakowo Elżbiecin Felcyn Jonne Lutocin Mojnowo Nowy Przeradz Obręb Parlin Przeradz Mały Przeradz Wielki Seroki Swojęcín Zimolza Municipality of Siemiatkowo: Antoniewo Dzieczewo Nowa Wieś Nowopole Siciarz Sokołowy Kąt	
		MAZOWIECKIE VOIVODSHIP 01400 MŁAWSKI 01413	Surveillance zone: Municipality of Radzanów: Zgliczyn Glinki Zgliczyn Kościelny Zgliczyn Witowy	
		KUJAWSKO- POMORSKIE VOIVODSHIP 00400 WŁOCŁAWSKI 00418	Surveillance zone: Municipality of Włocławek: Dąb Mały Dąb Polski Dąb Wielki Dobiegniewo Jazy	
		KUJAWSKO- POMORSKIE VOIVODSHIP 00400 LIPNOWSKI 00408	Surveillance zone: Municipality of Dobrzyń nad Wisłą: Chalin Chudzewo Dobrzyń Nad Wisłą Kamienica Łagiewniki Lenie Wielkie Michałkowo Mokówko Mokowo Płomiany Ruszkowo Wierznica Wierzniczka	

ISO Country Code	Member State	Area A		Date until applicable Article 4(4)(b)(iii)
		Code (if available)	Name	
			Municipality of Tuchowo: Trzcianka	
		WARMIŃSKO- MAZURSKIE VOIVODSHIP 02800 ELBLĄSKI 02804	Surveillance zone: Municipality of Godkowo: Burdajny Dobry Godkowo Gwiżdżiny Klekotki Kwitajny Wielkie Lesiska Nawty Osiek Plajny Podągi Skowrony Swędkowo Szymbory Ząbrowiec Zimnochy	
		WARMIŃSKO- MAZURSKIE VOIVODSHIP 02800 LIDZBARSKI 02809	Surveillance zone: Municipality of Orneta: Augustyny Bażyny Biały Dwór Bogatyńskie Chwałęcin Dąbrówka Drwęczno Gieduty Karbowo Karbówka Karkajny Klusajny Krzykały Lejławki Małe Lejławki Wielkie Orneta Osetnik Ostry Kamień Wojciechowo Municipality of Lubomino: Biała Wola Eldyty Małe Eldyty Wielkie Lubomino Piotrowo Świękity Wapnik Wójtowo Zajączki	
		WARMIŃSKO- MAZURSKIE VOIVODSHIP 02800 OSTRÓDZKI 02815	Surveillance zone: Municipality of Miłakowo: Bieniasze Gilginie Gudniki Henrykowo	

ISO Country Code	Member State	Area A		Date until applicable Article 4(4)(b)(iii)
		Code (if available)	Name	
			Książnic Miejski Dwór Miłakowo Mysłaki Nieglądki Naryjski Młyn Nowe Mieczysławy Pityny Rożnowo Raciszewo Wojciechy Stare Bolity Nowe Bolity Trokajny Warkałki Warkały Warny	
		WARMIŃSKO- MAZURSKIE VOIVODSHIP 02800 BRANIEWSKI 02802	Surveillance zone: Municipality of Wilczęta: Bardyny Gładysze Jankówko Kolonja Wilczęta Spędy Tatarki Municipality of Płoskinia: Stygajny	
RO	ROMANIA			31.12.2007
	Protection zone	00038	1. Murighiol	
	Surveillance zone	00038	1. Dunavatu de Jos 2. Dunavatu de Sus 3. Colina 4. Plopu 5. Sarinasuf 6. Mahmudia	

PART B

Area B as established in accordance with Article 4(2):

ISO Country Code	Member State	Area B		Date until applicable Article 4(4)(b)(iii)
		Code (if available)	Name	
DE	GERMANY		The communes of:	15.1.2008
			Landkreis Oberhavel: Fürstenberg/Havel, Gransee, Großwoltersdorf, Schönermark, Sonnenberg, Stechlin, Zehdenick	
			Landkreis Ostprignitz-Ruppin: Lindow (Mark), Rheinsberg	
			Landkreis Uckermark: Lychen, Templin	
			Landkreis Mecklenburg-Strelitz: Godendorf, Priepert, Wesenberg, Wokuhl-Dabenow, Wustrow	

ISO Country Code	Member State	Area B		Date until applicable Article 4(4)(b)(iii)
		Code (if available)	Name	
			The communes of:	21.1.2008
			Kreisfreie Stadt Brandenburg an der Havel	
			Landkreis Havelland: Milower Land, Premnitz	
			Landkreis Potsdam-Mittelmark: Beetzsee, Bensdorf, Havelsee, Rosenau, Wenzlow, Wusterwitz, Ziesar	
			Landkreis Jerichower Land: Brettin, Demsin, Genthin, Kade, Karow, Klitsche, Mützel, Paplitz, Parchen, Roßdorf, Schlagenthin, Wulkow, Zabakuck	
PL	POLAND	MAZOWIECKIE VOIVODSHIP 01400 PŁOCKI 01419	Areas others than listed in Area A	16.1.2008
		MAZOWIECKIE VOIVODSHIP 01400 PŁOCK 01462		
		MAZOWIECKIE VOIVODSHIP 01400 PŁOŃSKI 01420		
		MAZOWIECKIE VOIVODSHIP 01400 CIECHA- NOWSKI 01402		
		MAZOWIECKIE VOIVODSHIP 01400 MŁAWSKI 01413	Areas others than listed in Area A	
		MAZOWIECKIE VOIVODSHIP 01400 GOSTYNIŃSKI 01404		
		MAZOWIECKIE VOIVODSHIP 01400 SIERPECKI 01427	Areas others than listed in Area A	
		MAZOWIECKIE VOIVODSHIP 01400 ŻUROMIŃSKI 01437	Areas others than listed in Area A	

ISO Country Code	Member State	Area B		Date until applicable Article 4(4)(b)(iii)
		Code (if available)	Name	
		KUJAWSKO- POMORSKIE VOIVODSHIP 00400 WŁOCLAWSKI 00418		
		KUJAWSKO- POMORSKIE VOIVODSHIP 00400 LIPNOWSKI 00408		
		KUJAWSKO- POMORSKIE VOIVODSHIP 00400 WŁOCLAWEK 00464		
		KUJAWSKO- POMORSKIE VOIVODSHIP 00400 BRODNICKI 00402	Municipality of: Górzno Świedziebna	
		KUJAWSKO- POMORSKIE VOIVODSHIP 00400 RYPINSKI 00412	Municipalities of: Rogowo Rypin Skrwilno	
		WARMIŃSKO- MAZURSKIE VOIVODSHIP 02800 DZIAŁDOWSKI 02803	Municipalities of: Działdowo Działdowo city Iłowo - Osada Lidzbark Płońnica	
		WARMIŃSKO- MAZURSKIE VOIVODSHIP 02800 ELBLĄSKI 02804	Municipalities of: Godkowo (areas other than listed in Area A) Młynary Paślęk	
		WARMIŃSKO- MAZURSKIE VOIVODSHIP 02800 BRANIEWSKI 02802	Municipalities of: Pieniężno Płoskinia (areas other than listed in Area A) Wilczęta (areas other than listed in Area A)	

ISO Country Code	Member State	Area B		Date until applicable Article 4(4)(b)(iii)
		Code (if available)	Name	
		WARMIŃSKO- MAZURSKIE VOIVODSHIP 02800 LIDZBARSKI 02809	Municipalities of: Lidzbark Warmiński Lubomino (areas other than listed in Area A) Orneta (areas other than listed in Area A)	
		WARMIŃSKO- MAZURSKIE VOIVODSHIP 02800 OLSZTYŃSKI 02814	Municipalities of: Barczewo Dobre Miasto Dywity Gierzwałt Jonkowo Olsztynek Purda Stawiguda Świątki	
		WARMIŃSKO- MAZURSKIE VOIVODSHIP 02800 OLSZTYN 02862		
		WARMIŃSKO- MAZURSKIE VOIVODSHIP 02800 OSTRÓDZKI 02815	Municipalities of: Dąbrówno Gietrzwałd Małdyty Miłakowo (areas other than listed in Area A) Morąg	
		WARMIŃSKO- MAZURSKIE VOIVODSHIP 02800 NIDZICKI 02811		
RO	ROMANIA	00038	County of Tulcea	31.12.2007'

RECOMMENDATIONS

COMMISSION

COMMISSION RECOMMENDATION

of 17 December 2007

on relevant product and service markets within the electronic communications sector susceptible to *ex ante* regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services

(notified under document number C(2007) 5406)

(Text with EEA relevance)

(2007/879/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services ⁽¹⁾, and in particular Article 15(1) thereof,

Whereas:

(1) Directive 2002/21/EC establishes a legislative framework for the electronic communications sector that seeks to respond to convergence trends by covering all electronic communications networks and services within its scope. The aim of the regulatory framework is to reduce *ex ante* sector-specific rules progressively as competition in the market develops.

(2) The purpose of this Recommendation is to identify those product and service markets in which *ex ante* regulation may be warranted in accordance with Article 15(1) of

Directive 2002/21/EC. The objective of any *ex ante* regulatory intervention is ultimately to produce benefits for end-users by making retail markets competitive on a sustainable basis. The definition of relevant markets can and does change over time as the characteristics of products and services evolve and the possibilities for demand and supply substitution change. With the Recommendation 2003/311/EC having been in force for more than four years, it is now appropriate to revise the initial edition on the basis of market developments. Hence, this Recommendation replaces Commission Recommendation 2003/311/EC ⁽²⁾.

(3) Article 15(1) of Directive 2002/21/EC requires the Commission to define markets in accordance with the principles of competition law. Competition law principles are therefore used in this Recommendation to set product market boundaries within the electronic communications sector, while the identification or selection of defined markets for *ex ante* regulation depends on those markets having characteristics which may be such as to justify the imposition of *ex ante* regulatory obligations. The terminology used in this Recommendation is based on terminology used in Directive 2002/21/EC and Directive 2002/22/EC; the Explanatory Note to this Recommendation describes the evolving technologies in relation to these markets. In accordance with Directive 2002/21/EC, it is for national regulatory authorities to define relevant markets appropriate to national circumstances, in particular relevant geographic markets within their territory.

⁽¹⁾ OJ L 108, 24.4.2002, p. 33. Directive as amended by Regulation (EC) No 717/2007 (OJ L 171, 29.6.2007, p. 32).

⁽²⁾ OJ L 114, 8.5.2003, p. 45.

- (4) The starting point for the identification of markets in this Recommendation is the definition of retail markets from a forward-looking perspective, taking into account demand-side and supply-side substitutability. Having defined retail markets, it is then appropriate to identify relevant wholesale markets. If the downstream market is supplied by a vertically-integrated undertaking or undertakings, there may be no (merchant) wholesale market in the absence of regulation. Consequently, if the market warrants identification, it may be necessary to construct a notional upstream wholesale market. Markets in the electronic communications sector are often of a two-sided nature, in that they comprise services provided over networks or platforms that bring together users on either side of the market; for example end-users that exchange communications, or senders and receivers of information or content. These aspects need to be taken into account when considering the identification and definition of markets, as they can affect both the way markets are defined and whether they have the characteristics which may justify the imposition of *ex ante* regulatory obligations.
- (5) In order to identify markets that are susceptible to *ex ante* regulation, it is appropriate to apply the following cumulative criteria. The first criterion is the presence of high and non-transitory barriers to entry. These may be of a structural, legal or regulatory nature. However, given the dynamic character and functioning of electronic communications markets, possibilities to overcome barriers to entry within the relevant time horizon should also be taken into consideration when carrying out a prospective analysis to identify the relevant markets for possible *ex ante* regulation. Therefore the second criterion admits only those markets whose structure does not tend towards effective competition within the relevant time horizon. The application of this criterion involves examining the state of competition behind the barriers to entry. The third criterion is that application of competition law alone would not adequately address the market failure(s) concerned.
- (6) The main indicators to be considered when assessing the first and second criteria are similar to those examined as part of a forward-looking market analysis, in particular, indicators of barriers to entry in the absence of regulation, (including the extent of sunk costs), market structure, market performance and market dynamics, including indicators such as market shares and trends, market prices and trends, and the extent and coverage of competing networks or infrastructures. Any market which satisfies the three criteria in the absence of *ex ante* regulation is susceptible to *ex ante* regulation.
- (7) Newly emerging markets should not be subject to inappropriate obligations, even if there is a first mover advantage, in accordance with Directive 2002/21/EC. Newly emerging markets are considered to comprise products or services, where, due to their novelty, it is very difficult to predict demand conditions or market entry and supply conditions, and consequently difficult to apply the three criteria. The purpose of not subjecting newly emerging markets to inappropriate obligations is to promote innovation as required by Article 8 of the Directive 2002/21/EC; at the same time, foreclosure of such markets by the leading undertaking should be prevented, as also indicated in the Commission guidelines on market analysis and the assessment of significant market power under the Community regulatory framework for electronic communications and services⁽¹⁾. Incremental upgrades to existing network infrastructure rarely lead to a new or emerging market. The lack of substitutability of a product has to be established from both demand and supply-side perspectives before it can be concluded that it is not part of an already existing market. The emergence of new retail services may give rise to a new derived wholesale market to the extent that such retail services cannot be provided using existing wholesale products.
- (8) As far as barriers to entry are concerned, two types are relevant for the purpose of this Recommendation: structural barriers and legal or regulatory barriers.
- (9) Structural barriers to entry result from original cost or demand conditions that create asymmetric conditions between incumbents and new entrants impeding or preventing market entry of the latter. For instance, high structural barriers may be found to exist when the market is characterised by absolute cost advantages, substantial economies of scale and/or economies of scope, capacity constraints and high sunk costs. To date, such barriers can still be identified with respect to the widespread deployment and/or provision of local access networks to fixed locations. A related structural barrier can also exist where the provision of service requires a network component that cannot be technically duplicated or only duplicated at a cost that makes it uneconomic for competitors.
- ⁽¹⁾ OJ C 165, 11.7.2002, p. 6.

- (10) Legal or regulatory barriers are not based on economic conditions, but result from legislative, administrative or other state measures that have a direct effect on the conditions of entry and/or the positioning of operators on the relevant market. An example of a legal or regulatory barrier preventing entry into a market is a limit on the number of undertakings that have access to spectrum for the provision of underlying services. Other examples of legal or regulatory barriers are price controls or other price-related measures imposed on undertakings, which affect not only entry but also the positioning of undertakings on the market. Legal or regulatory barriers, which can be removed within the relevant time horizon, should not normally be deemed to constitute an economic barrier to entry, such as to fulfil the first criterion.
- (11) Barriers to entry may also become less relevant with regard to innovation-driven markets characterised by ongoing technological progress. In such markets, competitive constraints often come from innovative threats from potential competitors that are not currently in the market. In innovation-driven markets, dynamic or longer-term competition can take place among firms that are not necessarily competitors in an existing 'static' market. This Recommendation does not identify markets where barriers to entry are not expected to persist over a foreseeable period. In assessing whether barriers to entry are likely to persist in the absence of regulation, it is necessary to examine whether the industry has experienced frequent and successful entry and whether entry has been or is likely in the future to be sufficiently immediate and persistent to limit market power. The relevance of barriers to entry will depend *inter alia* on the minimum efficient scale of output and the costs which are sunk.
- (12) Even when a market is characterised by high barriers to entry, other structural factors in that market may mean that the market tends towards an effectively competitive outcome within the relevant time horizon. Market dynamics may for instance be caused by technological developments, or by the convergence of products and markets which may give rise to competitive constraints being exercised between operators active in distinct product markets. This may also be the case in markets with a limited — but sufficient — number of undertakings having diverging cost structures and facing price-elastic market demand. There may also be excess capacity in a market that would normally allow rival firms to expand output very rapidly in response to any price increase. In such markets, market shares may change over time and/or falling prices may be observed. Where market dynamics are changing rapidly, care should be taken in choosing the relevant time horizon so as to reflect the pertinent market developments.
- (13) The decision to identify a market as susceptible to *ex ante* regulation should also depend on an assessment of the sufficiency of competition law to address the market failures that result from the first two criteria being met. Competition law interventions are unlikely to be sufficient where the compliance requirements of an intervention to redress a market failure are extensive or where frequent and/or timely intervention is indispensable.
- (14) The application of the three criteria should limit the number of markets within the electronic communications sector where *ex ante* regulatory obligations are imposed and thereby contribute to the aim of the regulatory framework to reduce *ex ante* sector-specific rules progressively as competition in the markets develops. These criteria should be applied cumulatively, so that failure to meet any one of them would indicate that a market should not be identified as susceptible to *ex ante* regulation.
- (15) Regulatory controls on retail services should only be imposed where national regulatory authorities consider that relevant wholesale measures or measures regarding carrier selection or pre-selection would fail to achieve the objective of ensuring effective competition and the fulfilment of public interest objectives. By intervening at the wholesale level, including with remedies which may affect retail markets, Member States can ensure that as much of the value chain is open to normal competition processes as possible, thereby delivering the best outcomes for end-users. This Recommendation therefore mainly identifies wholesale markets, the appropriate regulation of which is intended to address a lack of effective competition that is manifest on end-user markets. Should a national regulatory authority demonstrate that wholesale interventions have been unsuccessful, the relevant retail market may be susceptible to *ex ante* regulation provided that the three criteria set out above are met.
- (16) The process of identifying markets in this Recommendation is without prejudice to markets that may be defined in specific cases under competition law. Moreover, the scope of *ex ante* regulation is without prejudice to the scope of activities that may be analysed under competition law.

(17) The markets listed in the Annex have been identified on the basis of these three cumulative criteria. For markets not listed in this Recommendation national regulatory authorities should apply the three-criteria test to the market concerned. For the markets in the Annex to Recommendation 2003/311/EC of 11 February 2003, which are not listed in the Annex to this Recommendation, national regulatory authorities should have the power to apply the three-criteria test in order to assess whether, on the basis of national circumstances, a market is still susceptible to *ex ante* regulation. For markets listed in this Recommendation a national regulatory authority may choose not to carry out a market analysis procedure if it determines that the three criteria are not satisfied for the particular market. National regulatory authorities may identify markets that differ from those listed in this Recommendation, provided that they act in accordance with Article 7 of Directive 2002/21/EC. Failure to notify a draft measure which affects trade between Member States as described in Recital 38 of Directive 2002/21/EC may result in infringement proceedings being taken. Markets other than those listed in this Recommendation should be defined on the basis of competition principles laid down in the Commission Notice on the definition of relevant market for the purposes of Community competition law⁽¹⁾ and be consistent with the Commission Guidelines on market analysis and the assessment of significant market power⁽²⁾ whilst satisfying the three criteria set out above.

(18) The fact that this Recommendation identifies those product and service markets in which *ex ante* regulation may be warranted does not mean that regulation is always warranted or that these markets will be subject to the imposition of regulatory obligations set out in the specific Directives. In particular, regulation cannot be imposed or must be withdrawn if there is effective competition on these markets in the absence of regulation, that is to say, if no operator has significant market power within the meaning of Article 14 of Directive 2002/21/EC. Regulatory obligations must be appropriate and be based on the nature of the problem identified, proportionate and justified in the light of the objectives laid down in Directive 2002/21/EC, in particular maximising benefits for users, ensuring no distortion or restriction of competition, encouraging efficient investment in infrastructure and promoting innovation, and encouraging efficient use and management of radio frequencies and numbering resources.

(19) This Recommendation has been subject to a public consultation and to consultation with national regulatory authorities and national competition authorities,

HEREBY RECOMMENDS:

1. In defining relevant markets appropriate to national circumstances in accordance with Article 15(3) of Directive 2002/21/EC, national regulatory authorities should analyse the product and service markets identified in the Annex to this Recommendation.
2. When identifying markets other than those set out in the Annex, national regulatory authorities should ensure that the following three criteria are cumulatively met:
 - (a) the presence of high and non-transitory barriers to entry. These may be of a structural, legal or regulatory nature;
 - (b) a market structure which does not tend towards effective competition within the relevant time horizon. The application of this criterion involves examining the state of competition behind the barriers to entry;
 - (c) the insufficiency of competition law alone to adequately address the market failure(s) concerned.
3. This Recommendation is without prejudice to market definitions, results of market analyses and regulatory obligations adopted by national regulatory authorities in accordance with Articles 15(3) and 16 of Directive 2002/21/EC prior to the date of adoption of this Recommendation.
4. This Recommendation is addressed to the Member States.

Done at Brussels, 17 December 2007.

For the Commission
Neelie KROES
Member of the Commission

⁽¹⁾ OJ C 372, 9.12.1997, p. 5.

⁽²⁾ OJ C 165, 11.7.2002, p. 6.

ANNEX

Retail level

1. Access to the public telephone network at a fixed location for residential and non-residential customers.

Wholesale level

2. Call origination on the public telephone network provided at a fixed location.

For the purposes of this Recommendation, call origination is taken to include call conveyance, delineated in such a way as to be consistent, in a national context, with the delineated boundaries for the market for call transit and for call termination on the public telephone network provided at a fixed location.

3. Call termination on individual public telephone networks provided at a fixed location.

For the purposes of this Recommendation, call termination is taken to include call conveyance, delineated in such a way as to be consistent, in a national context, with the delineated boundaries for the market for call origination and the market for call transit on the public telephone network provided at a fixed location.

4. Wholesale (physical) network infrastructure access (including shared or fully unbundled access) at a fixed location.

5. Wholesale broadband access.

This market comprises non-physical or virtual network access including 'bit-stream' access at a fixed location. This market is situated downstream from the physical access covered by market 4 listed above, in that wholesale broadband access can be constructed using this input combined with other elements.

6. Wholesale terminating segments of leased lines, irrespective of the technology used to provide leased or dedicated capacity.
 7. Voice call termination on individual mobile networks.
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CORRIGENDA

Corrigendum to Council Regulation (EC) No 754/2007 of 28 June 2007 amending Regulations (EC) No 1941/2006, (EC) No 2015/2006 and (EC) No 41/2007, as regards fishing opportunities and associated conditions for certain fish stocks

(Official Journal of the European Union L 172, 30 June 2007)

Page 29, Annex I (amendment of Annexes to Regulation (EC) No 1941/2006), number 2 (amendment of Annex II), point (c)

for: '(c) the following point shall be added:

'1.3. When fishing with drift lines within the periods and on the days set out in points 1.1 and 1.2, no cod shall be retained on board.'

read: '(c) the following point shall be added:

'1.5. When fishing with drift lines within the periods and on the days set out in points 1.1 and 1.2, no cod shall be retained on board.'
