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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 368/2002
of 28 February 2002
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1498/98 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 March 2002.

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

Done at Brussels, 28 February 2002.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 28 February 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value	
0702 00 00	052	166,2	
	204	150,5	
	212	145,4	
	624	191,5	
	999	163,4	
0707 00 05	052	185,6	
	068	100,7	
	204	69,4	
	628	171,8	
	999	131,9	
0709 10 00	220	223,0	
	999	223,0	
0709 90 70	052	153,6	
	204	71,3	
	999	112,4	
0805 10 10, 0805 10 30, 0805 10 50	052	54,8	
	204	46,1	
	212	49,8	
	220	45,0	
	421	29,6	
	508	22,3	
	600	48,8	
	624	79,3	
	999	47,0	
	0805 50 10	052	57,7
600		64,3	
999		61,0	
0808 10 20, 0808 10 50, 0808 10 90	060	40,6	
	388	126,2	
	400	121,0	
	404	94,4	
	508	100,9	
	524	83,8	
	528	97,7	
	720	123,7	
	728	125,5	
	999	101,5	
	0808 20 50	388	92,8
		400	131,2
		512	83,9
528		75,5	
720		116,7	
999		100,0	

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 369/2002**of 28 February 2002****fixing the maximum export refund for white sugar for the 29th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1430/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EC) No 1430/2001 of 13 July 2001 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽²⁾ for the 2001/2002 marketing year, requires partial invitations to tender to be issued for the export of this sugar.
- (2) Pursuant to Article 9(1) of Regulation (EC) No 1430/2001 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question.

- (3) Following an examination of the tenders submitted in response to the 29th partial invitation to tender, the provisions set out in Article 1 should be adopted.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 29th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1430/2001 the maximum amount of the export refund is fixed at 44,704 EUR/100 kg.

Article 2

This Regulation shall enter into force on 1 March 2002.

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

Done at Brussels, 28 February 2002.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.
⁽²⁾ OJ L 192, 14.7.2001, p. 3.

COMMISSION REGULATION (EC) No 370/2002**of 28 February 2002****fixing the representative prices and the additional import duties for molasses in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 ⁽²⁾, and in particular Article 1(2) and Article 3(1) thereof,

Whereas:

- (1) Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68 ⁽³⁾. That price should be fixed for the standard quality defined in Article 1 of the above Regulation.
- (2) The representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality. The standard quality for molasses is defined in Regulation (EEC) No 785/68.
- (3) When the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States. Under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends.
- (4) The information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small

quantity that is not representative of the market. Offer prices which can be regarded as not representative of actual market trends must also be disregarded.

- (5) If information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68.
- (6) A representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price.
- (7) Where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95. Should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed.
- (8) Application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out in the Annex to this Regulation.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 March 2002.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 141, 24.6.1995, p. 12.

⁽³⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 28 February 2002.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 28 February 2002 fixing the representative prices and additional import duties to imports of molasses in the sugar sector

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	8,70	—	0
1703 90 00 ⁽¹⁾	13,64	—	0

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

⁽²⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

COMMISSION REGULATION (EC) No 371/2002
of 28 February 2002
altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 326/2002 ⁽²⁾.
- (2) It follows from applying the detailed rules contained in Regulation (EC) No 326/2002 to the information known to the Commission that the export refunds at present in

force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 326/2002 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 March 2002.

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

Done at Brussels, 28 February 2002.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 51, 22.2.2002, p. 12.

ANNEX

to the Commission Regulation of 28 February 2002 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	A00	EUR/100 kg	38,33 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	38,33 ⁽¹⁾
1701 11 90 9950	A00	EUR/100 kg	⁽²⁾
1701 12 90 9100	A00	EUR/100 kg	38,33 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	38,33 ⁽¹⁾
1701 12 90 9950	A00	EUR/100 kg	⁽²⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,4167
1701 99 10 9100	A00	EUR/100 kg	41,67
1701 99 10 9910	A00	EUR/100 kg	41,67
1701 99 10 9950	A00	EUR/100 kg	41,67
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,4167

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 19(4) of Council Regulation (EC) No 1260/2001.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ L 255, 26.9.1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ L 309, 21.11.1985, p. 14).

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

The numeric destination codes are set out in Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6).

COMMISSION REGULATION (EC) No 372/2002**of 28 February 2002****fixing the export refunds on syrups and certain other sugar products exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(d) of that Regulation and prices for those products within the Community may be covered by an export refund.

(2) Article 3 of Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽²⁾, provides that the export refund on 100 kilograms of the products listed in Article 1(1)(d) of Regulation (EC) No 1260/2001 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; the sucrose content of the product in question is determined in accordance with Article 3 of Commission Regulation (EC) No 2135/95.

(3) Article 30(3) of Regulation (EC) No 1260/2001 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one-hundredth of the production refund applicable, pursuant to Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry ⁽³⁾ to the products listed in the Annex to the last mentioned Regulation;

(4) According to the terms of Article 30(1) of Regulation (EC) No 1260/2001, the basic amount of the refund on the other products listed in Article 1(1)(d) of the said

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

(5) According to the terms of Article 30(4) of Regulation (EC) No 1260/2001, the application of the basic amount may be limited to some of the products listed in Article 1(1)(d) of the said Regulation.

(6) Article 27 of Regulation (EC) No 1260/2001 makes provision for setting refunds for export in the natural state of products referred to in Article 1(1)(f) and (g) and (h) of that Regulation; the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1(1)(d) of Regulation (EC) No 1260/2001 and of the economic aspects of the intended exports; in the case of the products referred to in the said Article 1(1)(f) and (g), the refund is to be granted only for products complying with the conditions in Article 5 of Regulation (EC) No 2135/95; for the products referred to in Article 1(1)(h), the refund shall be granted only for products complying with the conditions in Article 6 of Regulation (EC) No 2135/95.

(7) The refunds referred to above must be fixed every month; they may be altered in the intervening period.

(8) Application of these quotas results in fixing refunds for the products in question at the levels given in the Annex to this Regulation.

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

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 214, 8.9.1995, p. 16.

⁽³⁾ OJ L 178, 30.6.2001, p. 63.

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 March 2002.

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

Done at Brussels, 28 February 2002.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 28 February 2002 fixing the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	A00	EUR/100 kg dry matter	41,67 ⁽²⁾
1702 60 10 9000	A00	EUR/100 kg dry matter	41,67 ⁽²⁾
1702 60 80 9100	A00	EUR/100 kg dry matter	79,17 ⁽⁴⁾
1702 60 95 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4167 ⁽¹⁾
1702 90 30 9000	A00	EUR/100 kg dry matter	41,67 ⁽²⁾
1702 90 60 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4167 ⁽¹⁾
1702 90 71 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4167 ⁽¹⁾
1702 90 99 9900	A00	EUR/1 % sucrose × net 100 kg of product	0,4167 ⁽¹⁾ ⁽³⁾
2106 90 30 9000	A00	EUR/100 kg dry matter	41,67 ⁽²⁾
2106 90 59 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4167 ⁽¹⁾

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EC) No 2135/95). Sucrose content is determined in accordance with Article 3 of Regulation (EC) No 2135/95.

⁽²⁾ Applicable only to products referred to in Article 5 of Regulation (EC) No 2135/95.

⁽³⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

⁽⁴⁾ Applicable only to products defined under Article 6 of Regulation (EC) No 2135/95.

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

The numeric destination codes are set out in Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6).

COMMISSION REGULATION (EC) No 373/2002
of 28 February 2002
fixing the production refund on white sugar used in the chemical industry

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular Article 7(5) thereof,

Whereas:

- (1) Pursuant to Article 7(3) of Regulation (EC) No 1260/2001, production refunds may be granted on the products listed in Article 1(1)(a) and (f) of that Regulation, on syrups listed in Article 1(1)(d) thereof and on chemically pure fructose covered by CN code 1702 50 00 as an intermediate product, that are in one of the situations referred to in Article 23(2) of the Treaty and are used in the manufacture of certain products of the chemical industry.
- (2) Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry ⁽²⁾ lays down the rules for determining the production refunds and specifies the chemical products the basic products used in the manufacture of which attract a production refund. Articles 5, 6 and 7 of Regulation (EC) No 1265/2001 provide that the production refund applying to raw sugar, sucrose syrups and unprocessed isoglucose is to be derived from the refund fixed for white sugar in accordance with a method of calculation specific to each basic product.
- (3) Article 9 of Regulation (EC) No 1265/2001 provides that the production refund on white sugar is to be fixed at monthly intervals commencing on the first day of

each month. It may be adjusted in the intervening period where there is a significant change in the prices for sugar on the Community and/or world markets. The application of those provisions results in the production refund fixed in Article 1 of this Regulation for the period shown.

- (4) As a result of the amendment to the definition of white sugar and raw sugar in Article 1(2)(a) and (b) of Regulation (EC) No 1260/2001, flavoured or coloured sugars or sugars containing any other added substances are no longer deemed to meet those definitions and should thus be regarded as 'other sugar'. However, in accordance with Article 1 of Regulation (EC) No 1265/2001, they attract the production refund as basic products. A method should accordingly be laid down for calculating the production refund on these products by reference to their sucrose content.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The production refund on white sugar referred to in Article 4 of Regulation (EC) No 1265/2001 shall be equal to EUR 37,079/100 kg net.

Article 2

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.
⁽²⁾ OJ L 178, 30.6.2001, p. 63.

This Regulation shall enter into force on 1 March 2002.

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

Done at Brussels, 28 February 2002.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 374/2002
of 28 February 2002
determining the world market price for ungin­ned cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001 ⁽¹⁾,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton ⁽²⁾, and in particular Article 4 thereof,

Whereas:

- (1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for ungin­ned cotton is to be determined periodically from the price for gin­ned cotton recorded on the world market and by reference to the historical relationship between the price recorded for gin­ned cotton and that calculated for ungin­ned cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 ⁽³⁾. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for ungin­ned cotton is to be determined in respect of a product of specific characteristics and by reference to the most favourable offers and quotations on the world market among those

considered representative of the real market trend. To that end, an average is to be calculated of offers and quotations recorded on one or more European exchanges for a product delivered cif to a port in the Community and coming from the various supplier countries considered the most representative in terms of international trade. However, there is provision for adjusting the criteria for determining the world market price for gin­ned cotton to reflect differences justified by the quality of the product delivered and the offers and quotations concerned. Those adjustments are specified in Article 3(2) of Regulation (EC) No 1591/2001.

- (3) The application of the above criteria gives the world market price for ungin­ned cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

Article 1

The world price for ungin­ned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling EUR 22,054/100 kg.

Article 2

This Regulation shall enter into force on 1 March 2002.

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

Done at Brussels, 28 February 2002.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10.

COMMISSION REGULATION (EC) No 375/2002
of 28 February 2002
fixing the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽³⁾, as last amended by Regulation (EC) No 2104/2001 ⁽⁴⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10(3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.

- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector.
- (4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10(2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 1 March 2002.

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

Done at Brussels, 28 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 283, 27.10.2001, p. 8.

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty ⁽²⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality ⁽¹⁾	0,00
1001 90 91	Common wheat seed	0,00
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	0,00
	medium quality	0,00
	low quality	8,02
1002 00 00	Rye	0,00
1003 00 10	Barley, seed	0,00
1003 00 90	Barley, other ⁽⁴⁾	0,00
1005 10 90	Maize seed other than hybrid	37,90
1005 90 00	Maize other than seed ⁽⁵⁾	37,90
1007 00 90	Grain sorghum other than hybrids for sowing	0,00

⁽¹⁾ In the case of durum wheat not meeting the minimum quality requirements for durum wheat of medium quality, referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

⁽²⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic coasts of the Iberian peninsula.

⁽³⁾ The importer may benefit from a flat-rate reduction of EUR 14 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

⁽⁴⁾ The importer may benefit from a flat-rate reduction of EUR 8 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

⁽⁵⁾ The importer may benefit from a flat-rate reduction of EUR 24 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(period from 15 February 2002 to 27 February 2002)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/t)	124,64	119,92	116,99	92,15	223,28 (**)	213,28 (**)	153,21 (***)
Gulf premium (EUR/t)	43,62	27,83	19,12	14,09	—	—	—
Great Lakes premium (EUR/t)	43,62	—	—	—	—	—	—

(*) A discount of 10 EUR/t (Article 4(1) of Regulation (EC) No 1249/96).

(**) Fob Gulf.

(***) Fob USA.

2. Freight/cost: Gulf of Mexico–Rotterdam: 20,10 EUR/t; Great Lakes–Rotterdam: 31,30 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)
0,00 EUR/t (SRW2).

COMMISSION REGULATION (EC) No 376/2002

of 28 February 2002

fixing the export refunds on rice and broken rice and suspending the issue of export licences

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1987/2001 ⁽²⁾, and in particular the second subparagraph of Article 13(3) and (15) thereof,

Whereas:

- (1) Article 13 of Regulation (EC) No 3072/95 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Article 13(4) of Regulation (EC) No 3072/95, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other. The same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 300 of the Treaty.
- (3) Commission Regulation (EEC) No 1361/76 ⁽³⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum.
- (4) Export possibilities exist for a quantity of 18 893 tonnes of rice to certain destinations. The procedure laid down in Article 7(4) of Commission Regulation (EC) No 1162/95 ⁽⁴⁾, as last amended by Regulation (EC) No 2298/2001 ⁽⁵⁾ should be used. Account should be taken of this when the refunds are fixed.

- (5) Article 13(5) of Regulation (EC) No 3072/95 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated.
- (6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (7) A separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets.
- (8) The refund must be fixed at least once a month; whereas it may be altered in the intervening period.
- (9) It follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto.
- (10) For the purposes of administering the volume restrictions resulting from Community commitments in the context of the WTO, the issue of export licences with advance fixing of the refund should be restricted.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EC) No 3072/95 with the exception of those listed in paragraph 1(c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

With the exception of the quantity of 18 893 tonnes provided for in the Annex, the issue of export licences with advance fixing of the refund is suspended.

Article 3

This Regulation shall enter into force on 1 March 2002.

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 271, 12.10.2001, p. 5.

⁽³⁾ OJ L 154, 15.6.1976, p. 11.

⁽⁴⁾ OJ L 117, 24.5.1995, p. 2.

⁽⁵⁾ OJ L 308, 27.11.2001, p. 16.

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

Done at Brussels, 28 February 2002.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 28 February 2002 fixing the export refunds on rice and broken rice and suspending the issue of export licences

Product code	Destination	Unit of measurement	Amount of refunds (1)	Product code	Destination	Unit of measurement	Amount of refunds (1)
1006 20 11 9000	R01	EUR/t	154,00	1006 30 65 9100	R01	EUR/t	193,00
1006 20 13 9000	R01	EUR/t	154,00		R02	EUR/t	193,00
1006 20 15 9000	R01	EUR/t	154,00		R03	EUR/t	198,00
1006 20 17 9000	—	EUR/t	—		064	EUR/t	167,00
1006 20 92 9000	R01	EUR/t	154,00		A97	EUR/t	193,00
1006 20 94 9000	R01	EUR/t	154,00		021 and 023	EUR/t	193,00
1006 20 96 9000	R01	EUR/t	154,00	1006 30 65 9900	R01	EUR/t	193,00
1006 20 98 9000	—	EUR/t	—		064	EUR/t	167,00
1006 30 21 9000	R01	EUR/t	154,00		A97	EUR/t	193,00
1006 30 23 9000	R01	EUR/t	154,00	1006 30 67 9100	021 and 023	EUR/t	193,00
1006 30 25 9000	R01	EUR/t	154,00		064	EUR/t	167,00
1006 30 27 9000	—	EUR/t	—		A97	EUR/t	193,00
1006 30 42 9000	R01	EUR/t	154,00	1006 30 67 9900	064	EUR/t	167,00
1006 30 44 9000	R01	EUR/t	154,00	1006 30 92 9100	R01	EUR/t	193,00
1006 30 46 9000	R01	EUR/t	154,00		R02	EUR/t	193,00
1006 30 48 9000	—	EUR/t	—		R03	EUR/t	198,00
1006 30 61 9100	R01	EUR/t	193,00		064	EUR/t	167,00
	R02	EUR/t	193,00		A97	EUR/t	193,00
	R03	EUR/t	198,00	1006 30 92 9900	021 and 023	EUR/t	193,00
	064	EUR/t	167,00		R01	EUR/t	193,00
	A97	EUR/t	193,00		A97	EUR/t	193,00
	021 and 023	EUR/t	193,00		064	EUR/t	167,00
1006 30 61 9900	R01	EUR/t	193,00	1006 30 94 9100	R01	EUR/t	193,00
	A97	EUR/t	193,00		R02	EUR/t	193,00
	064	EUR/t	167,00		R03	EUR/t	198,00
1006 30 63 9100	R01	EUR/t	193,00		064	EUR/t	167,00
	R02	EUR/t	193,00		A97	EUR/t	193,00
	R03	EUR/t	198,00	1006 30 96 9100	021 and 023	EUR/t	193,00
	064	EUR/t	167,00		R01	EUR/t	193,00
	A97	EUR/t	193,00		A97	EUR/t	193,00
	021 and 023	EUR/t	193,00	1006 30 96 9900	064	EUR/t	167,00
1006 30 63 9900	R01	EUR/t	193,00		021 and 023	EUR/t	193,00
	064	EUR/t	167,00	1006 30 98 9100	021 and 023	EUR/t	193,00
	A97	EUR/t	193,00	1006 30 98 9900	—	EUR/t	—
				1006 40 00 9000	—	EUR/t	—

(1) The procedure laid down in Article 7(4) of Regulation (EC) No 1162/95 applies to licences applied for under that Regulation for quantities according to the destination:
 destination R01: 4 808 t,
 all destinations R02 and R03: 4 079 t,
 destinations 021 and 023: 1 095 t,
 destination 064: 8 611 t,
 destination A97: 300 t.

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

The numeric destination codes are set out in Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6).

The other destinations are defined as follows:

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

R02 Morocco, Algeria, Tunisia, Malta, Egypt, Israel, Lebanon, Libya, Syria, Ex-Spanish Sahara, Cyprus, Jordan, Iraq, Iran, Yemen, Kuwait, United Arab Emirates, Oman, Bahrain, Qatar, Saudi Arabia, Eritrea, West Bank/Gaza Strip, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovenia, Slovakia, Norway, Faroe Islands, Iceland, Russia, Belarus, Bosnia and Herzegovina, Croatia, Yugoslavia, Former Yugoslav Republic of Macedonia, Albania, Romania, Bulgaria, Georgia, Armenia, Azerbaijan, Moldova, Ukraine, Kazakstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan.

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

COMMISSION REGULATION (EC) No 377/2002
of 28 February 2002
opening a preferential tariff quota for imports of raw cane sugar originating in the ACP States for
supply to refineries during the period 1 March to 30 June 2002

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

authorise imports for each refining Member State for the period 1 March to 30 June 2002.

Having regard to the Treaty establishing the European Community,

(3) The agreements concluded by Decision 2001/870/EC provide that the refiners in question are to pay a minimum purchase price equal to the guaranteed price for raw sugar, less the adjustment aid fixed for the marketing year in question. That minimum price should therefore be fixed in the light of the factors applicable in the 2001/02 marketing year.

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector⁽¹⁾, and in particular Articles 23(2) and 39(6) thereof,

(4) In order to avoid any interruption in supplies, for quantities to be imported under Regulation (EC) No 2534/2001 and not covered by licence applications submitted by 1 March 2002, the Member States concerned should be authorised to issue the corresponding licences after that date in the course of the 2001/02 marketing year.

Whereas:

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

(1) Article 39 of Regulation (EC) No 1260/2001 provides that, during the marketing years 2001/02 to 2005/06 and in order to ensure adequate supplies to Community refineries, a special reduced rate of duty is to be levied on imports of raw cane sugar originating in States with which the Community has concluded supply agreements on preferential terms. At present such agreements have been concluded by Council Decision 2001/870/EC⁽²⁾ with the African, Caribbean and Pacific States (ACP States) that are parties to Protocol 3 on ACP sugar in Annex V to the ACP-EC Partnership Agreement and with the Republic of India.

HAS ADOPTED THIS REGULATION:

Article 1

(2) The quantities of special preferential sugar to be imported are calculated in accordance with the said Article 39 on the basis of an annual Community forecast supply balance. The balance shows the need at this stage to import raw sugar and to open tariff quotas for the 2001/02 marketing year at the special reduced rate of duty provided for in the above agreements in order to meet the Community refineries' supply needs for part of that marketing year. Under Commission Regulation (EC) No 2534/2001⁽³⁾, quotas were opened for the period 1 July 2001 to 28 February 2002. Since the forecasts for raw cane sugar production are now available for the 2001/02 marketing year, the necessary quota should be opened for the second part of that marketing year. In view of the presumed maximum refining needs fixed for each Member State and the shortfall predicted in the forecast supply balance, provision should be made to

For the period 1 March to 30 June 2002, a tariff quota is hereby opened under Decision 2001/870/EC for imports of raw cane sugar for refining falling within CN code 1701 11 10, amounting to 42 448 tonnes expressed as white sugar originating in the ACP States.

The tariff quota shall bear the serial number 09.4097.

Article 2

1. A special reduced duty of EUR 0 per 100 kg of standard-quality raw sugar shall apply to imports of the quantity referred to in Article 1.

2. The minimum purchase price to be paid by Community refiners for the period referred to in Article 1 shall be EUR 49,68 per 100 kg of standard-quality raw sugar.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 325, 8.12.2001, p. 21.

⁽³⁾ OJ L 341, 22.12.2001, p. 27.

Article 3

The Member States may issue import licences under the quota fixed in Article 1 and on the terms laid down in Article 2 for the following quantities expressed as white sugar:

- (a) Finland: 2 803 tonnes;
- (b) metropolitan France: 14 454 tonnes;
- (c) mainland Portugal: 15 024 tonnes;
- (d) United Kingdom: 10 167 tonnes.

Article 4

The Member States referred to in Article 3 of Regulation (EC) No 2534/2001 are hereby authorised to issue licences for the import and refining by 30 June 2002 of the quantities listed in that Article and not covered by import licence applications submitted before 1 March 2002.

Article 5

This Regulation shall enter into force on 1 March 2002.

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

Done at Brussels, 28 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 378/2002
of 28 February 2002
opening a third quantity of wine for distillation as provided for in Article 29 of Council Regulation
(EC) No 1493/1999 for the 2001/02 wine year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 2585/2001 ⁽²⁾, and in particular Article 33 thereof,

Having regard to Commission Regulation (EC) No 1623/2000 of 25 July 2000 laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms ⁽³⁾, as last amended by Regulation (EC) No 2464/2001 ⁽⁴⁾, and in particular Article 63 thereof,

Whereas:

- (1) The second subparagraph of Article 63(1) of Regulation (EC) No 1623/2000 provides that two or more quantities of wine are to be opened for distillation for the 2001/02 wine year. A first quantity of 7 million hl of table wine was opened for the period 16 October to 15 November 2001 and a second quantity of 3 million hl for the period 1 to 31 January 2002. Given current absorption capacities in the potable alcohol sector in

certain regions of the Community and in view of budget possibilities, a third quantity of 2 million hl should be opened for distillation.

- (2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

For the 2001/02 wine year, distillation as provided for in Article 29 of Regulation (EC) No 1493/1999 shall be opened for a third period from 1 to 15 April 2002. The maximum quantity which contracts and declarations within the meaning of Article 65 of Regulation (EC) No 1623/2000 may cover shall be 2 million hl.

Article 2

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

It shall apply from 1 April 2002.

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

Done at Brussels, 28 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.

⁽²⁾ OJ L 345, 29.12.2001, p. 10.

⁽³⁾ OJ L 194, 31.7.2000, p. 45.

⁽⁴⁾ OJ L 331, 15.12.2001, p. 25.

COMMISSION REGULATION (EC) No 379/2002**of 28 February 2002****fixing the export refunds on products processed from cereals and rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EC) No 1987/2001 ⁽⁴⁾, and in particular Article 13(3) thereof,

Whereas:

(1) Article 13 of Regulation (EEC) No 1766/92 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund.

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

(3) Article 4 of Commission Regulation (EC) No 1518/95 ⁽⁵⁾, as amended by Regulation (EC) No 2993/95 ⁽⁶⁾, on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated.

(4) The refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product.

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(d) of Regulation (EEC) No 1766/92 and in Article 1(1)(c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 271, 12.10.2001, p. 5.

⁽⁵⁾ OJ L 147, 30.6.1995, p. 55.

⁽⁶⁾ OJ L 312, 23.12.1995, p. 25.

Article 2

This Regulation shall enter into force on 1 March 2002.

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

Done at Brussels, 28 February 2002.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 28 February 2002 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 ⁽¹⁾	C01	EUR/t	30,94	1104 23 10 9100	A00	EUR/t	33,15
1102 20 10 9400 ⁽¹⁾	C01	EUR/t	26,52	1104 23 10 9300	A00	EUR/t	25,42
1102 20 90 9200 ⁽¹⁾	C01	EUR/t	26,52	1104 29 11 9000	A00	EUR/t	0,00
1102 90 10 9100	C01	EUR/t	0,00	1104 29 51 9000	A00	EUR/t	0,00
1102 90 10 9900	C01	EUR/t	0,00	1104 29 55 9000	A00	EUR/t	0,00
1102 90 30 9100	C01	EUR/t	0,00	1104 30 10 9000	A00	EUR/t	0,00
1103 19 40 9100	A00	EUR/t	0,00	1104 30 90 9000	A00	EUR/t	5,53
1103 13 10 9100 ⁽¹⁾	A00	EUR/t	39,78	1107 10 11 9000	A00	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	A00	EUR/t	30,94	1107 10 91 9000	A00	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	A00	EUR/t	26,52	1108 11 00 9200	A00	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	A00	EUR/t	26,52	1108 11 00 9300	A00	EUR/t	0,00
1103 19 10 9000	A00	EUR/t	17,49	1108 12 00 9200	A00	EUR/t	35,36
1103 19 30 9100	A00	EUR/t	0,00	1108 12 00 9300	A00	EUR/t	35,36
1103 20 60 9000	A00	EUR/t	0,00	1108 13 00 9200	A00	EUR/t	35,36
1103 20 20 9000	A00	EUR/t	0,00	1108 13 00 9300	A00	EUR/t	35,36
1104 19 69 9100	A00	EUR/t	0,00	1108 19 10 9200	A00	EUR/t	66,88
1104 12 90 9100	A00	EUR/t	0,00	1108 19 10 9300	A00	EUR/t	66,88
1104 12 90 9300	A00	EUR/t	0,00	1109 00 00 9100	A00	EUR/t	0,00
1104 19 10 9000	A00	EUR/t	0,00	1702 30 51 9000 ⁽²⁾	A00	EUR/t	34,64
1104 19 50 9110	A00	EUR/t	35,36	1702 30 59 9000 ⁽²⁾	A00	EUR/t	26,52
1104 19 50 9130	A00	EUR/t	28,73	1702 30 91 9000	A00	EUR/t	34,64
1104 29 01 9100	A00	EUR/t	0,00	1702 30 99 9000	A00	EUR/t	26,52
1104 29 03 9100	A00	EUR/t	0,00	1702 40 90 9000	A00	EUR/t	26,52
1104 29 05 9100	A00	EUR/t	0,00	1702 90 50 9100	A00	EUR/t	34,64
1104 29 05 9300	A00	EUR/t	0,00	1702 90 50 9900	A00	EUR/t	26,52
1104 22 20 9100	A00	EUR/t	0,00	1702 90 75 9000	A00	EUR/t	36,30
1104 22 30 9100	A00	EUR/t	0,00	1702 90 79 9000	A00	EUR/t	25,19
				2106 90 55 9000	A00	EUR/t	26,52

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

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

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

The numeric destination codes are set out in Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6).

C01: All destinations except Poland.

COMMISSION REGULATION (EC) No 380/2002
of 28 February 2002
fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1666/2000⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice⁽³⁾ in Article 2 lays down general rules for fixing the amount of such refunds.
- (3) That calculation must also take account of the cereal products content. In the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products. A

refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff.

- (4) Furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export.
- (5) However, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported.
- (6) The refund must be fixed once a month; whereas it may be altered in the intervening period.
- (7) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 1766/92 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 March 2002.

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

Done at Brussels, 28 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 51.

ANNEX

to the Commission Regulation of 28 February 2002 fixing the export refunds on cereal-based compound feedingstuffs

Product codes benefiting from export refund:

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

Cereal products	Destination	Unit of measurement	Amount of refunds
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	A00	EUR/t	22,10
Cereal products excluding maize and maize products	A00	EUR/t	0,00

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

COMMISSION REGULATION (EC) No 381/2002
of 28 February 2002
derogating from Regulation (EC) No 2535/2001 as regards import licence applications for cheese
from South Africa

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Articles 26(3) and 29(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas ⁽³⁾ provides in particular for the breakdown of the quantities to be imported in each six-month period, the period for the submission of import licence applications and the carry-over of the remaining quantities to the following import period.
- (2) Applications for licences to import cheese originating in South Africa from 1 January to 30 June 2002 have been negligible owing to the uncertainty regarding the very possibility of importing cheese originating in that third country. In order to ensure compliance with the health rules, establishments in third countries producing foodstuffs for human consumption must be approved in accordance with Council Directive 92/46/EEC of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products ⁽⁴⁾, as last amended by Directive 94/71/EC ⁽⁵⁾, but during the period for the submission of licence applications from 1 to 10 January 2002 there was approved no establishment producing milk products in the Republic of South Africa, which therefore made it impossible to export to the European Community.

- (3) As the approval procedure has been concluded, milk products originating in South Africa can now be exported to the European Community. To allow the quota to be used to the maximum and to avoid waiting for the second half of 2002 before opening the second period for the submission of applications in respect of almost the whole quota, a further period should be opened, by way of derogation from Regulation (EC) No 2535/2001, for all operators to submit cheese import licence applications covering the remaining quantity for the first half of 2002.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

1. Article 6, Article 14(1) and the second subparagraph of Article 16(2) of Regulation (EC) No 2535/2001 notwithstanding, applications for licences to import up to 2 730 tonnes of cheese originating in South Africa from 1 January to 30 June 2002 may be submitted from 1 to 10 March 2002 under quota 09.4151 as referred to in Part E of Annex I to that Regulation.

2. The second paragraph of Article 12 of Regulation (EC) No 2535/2001 notwithstanding, operators who have submitted import licence applications under the quota referred to in paragraph 1 during the submission period from 1 to 10 January 2002 may submit a further application under this Regulation.

Article 2

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

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

Done at Brussels, 28 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 341, 22.12.2001, p. 29.

⁽⁴⁾ OJ L 268, 14.9.1992, p. 1.

⁽⁵⁾ OJ L 368, 31.12.1994, p. 33.

COMMISSION REGULATION (EC) No 382/2002
of 28 February 2002
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31 of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund within the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(2) Regulation (EC) No 1255/1999 provides that when the refunds on the products listed in Article 1 of the above-mentioned Regulation, exported in the natural state, are being fixed, account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organisation of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 300 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports.

(3) Article 31(5) of Regulation (EC) No 1255/1999 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that

when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices.

(4) Article 31(3) of Regulation (EC) No 1255/1999 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination.

(5) Article 31(3) of Regulation (EC) No 1255/1999 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; the amount of the refund may, however, remain at the same level for more than four weeks.

(6) In accordance with Article 16 of Commission Regulation (EC) No 174/1999 of 26 January 1999 on specific detailed rules for the application of Council Regulation (EC) No 804/68 as regards export licences and export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 156/2002 ⁽⁴⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components; one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽⁵⁾, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 20, 27.1.1999, p. 8.

⁽⁴⁾ OJ L 25, 29.1.2002, p. 24.

⁽⁵⁾ OJ L 178, 30.6.2001, p. 1.

- (7) Commission Regulation (EEC) No 896/84 ⁽¹⁾, as last amended by Regulation (EEC) No 222/88 ⁽²⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; those provisions provide for the possibility of varying refunds according to the date of manufacture of the products.
- (8) For the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account.
- (9) It follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds referred to in Article 31 of Regulation (EC) No 1255/1999 on products exported in the natural state shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 March 2002.

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

Done at Brussels, 28 February 2002.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 91, 1.4.1984, p. 71.

⁽²⁾ OJ L 28, 1.2.1988, p. 1.

ANNEX

to the Commission Regulation of 28 February 2002 fixing the export refunds on milk and milk products

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0401 10 10 9000	970	EUR/100 kg	2,048	0402 29 91 9000	A02	EUR/kg	0,9211
0401 10 90 9000	970	EUR/100 kg	2,048	0402 29 99 9100	A02	EUR/kg	0,9211
0401 20 11 9100	970	EUR/100 kg	2,048	0402 29 99 9500	A02	EUR/kg	1,0019
0401 20 11 9500	970	EUR/100 kg	3,165	0402 91 11 9370	A02	EUR/100 kg	5,670
0401 20 19 9100	970	EUR/100 kg	2,048	0402 91 19 9370	A02	EUR/100 kg	5,670
0401 20 19 9500	970	EUR/100 kg	3,165	0402 91 31 9300	A02	EUR/100 kg	6,715
0401 20 91 9000	970	EUR/100 kg	4,005	0402 91 39 9300	A02	EUR/100 kg	6,715
0401 20 99 9000	970	EUR/100 kg	4,005	0402 91 99 9000	A02	EUR/100 kg	36,61
0401 30 11 9400	970	EUR/100 kg	9,240	0402 99 11 9350	A02	EUR/kg	0,1445
0401 30 11 9700	970	EUR/100 kg	13,88	0402 99 19 9350	A02	EUR/kg	0,1445
0401 30 19 9700	970	EUR/100 kg	13,88	0402 99 31 9150	A02	EUR/kg	0,1513
0401 30 31 9100	A02	EUR/100 kg	33,72	0402 99 31 9300	A02	EUR/kg	0,2191
0401 30 31 9400	A02	EUR/100 kg	52,67	0402 99 31 9500	A02	EUR/kg	0,3775
0401 30 31 9700	A02	EUR/100 kg	58,08	0402 99 39 9150	A02	EUR/kg	0,1513
0401 30 39 9100	A02	EUR/100 kg	33,72	0403 90 11 9000	A02	EUR/100 kg	49,30
0401 30 39 9400	A02	EUR/100 kg	52,67	0403 90 13 9200	A02	EUR/100 kg	49,30
0401 30 39 9700	A02	EUR/100 kg	58,08	0403 90 13 9300	A02	EUR/100 kg	80,04
0401 30 91 9100	A02	EUR/100 kg	66,19	0403 90 13 9500	A02	EUR/100 kg	84,18
0401 30 91 9500	A02	EUR/100 kg	97,28	0403 90 13 9900	A02	EUR/100 kg	90,68
0401 30 99 9100	A02	EUR/100 kg	66,19	0403 90 19 9000	A02	EUR/100 kg	91,16
0401 30 99 9500	A02	EUR/100 kg	97,28	0403 90 33 9400	A02	EUR/kg	0,8004
0402 10 11 9000	A02	EUR/100 kg	50,00	0403 90 33 9900	A02	EUR/kg	0,9068
0402 10 19 9000	A02	EUR/100 kg	50,00	0403 90 51 9100	970	EUR/100 kg	2,048
0402 10 91 9000	A02	EUR/kg	0,5000	0403 90 59 9170	970	EUR/100 kg	13,88
0402 10 99 9000	A02	EUR/kg	0,5000	0403 90 59 9310	A02	EUR/100 kg	33,72
0402 21 11 9200	A02	EUR/100 kg	50,00	0403 90 59 9340	A02	EUR/100 kg	52,10
0402 21 11 9300	A02	EUR/100 kg	80,52	0403 90 59 9370	A02	EUR/100 kg	52,10
0402 21 11 9500	A02	EUR/100 kg	85,00	0403 90 59 9510	A02	EUR/100 kg	52,10
0402 21 11 9900	A02	EUR/100 kg	91,50	0404 90 21 9120	A02	EUR/100 kg	42,65
0402 21 17 9000	A02	EUR/100 kg	50,00	0404 90 21 9160	A02	EUR/100 kg	50,00
0402 21 19 9300	A02	EUR/100 kg	80,52	0404 90 23 9120	A02	EUR/100 kg	50,00
0402 21 19 9500	A02	EUR/100 kg	85,00	0404 90 23 9130	A02	EUR/100 kg	80,52
0402 21 19 9900	A02	EUR/100 kg	91,50	0404 90 23 9140	A02	EUR/100 kg	85,00
0402 21 91 9100	A02	EUR/100 kg	92,11	0404 90 23 9150	A02	EUR/100 kg	91,50
0402 21 91 9200	A02	EUR/100 kg	92,86	0404 90 29 9110	A02	EUR/100 kg	92,16
0402 21 91 9350	A02	EUR/100 kg	93,76	0404 90 29 9115	A02	EUR/100 kg	92,85
0402 21 91 9500	A02	EUR/100 kg	102,59	0404 90 29 9125	A02	EUR/100 kg	93,81
0402 21 99 9100	A02	EUR/100 kg	92,11	0404 90 29 9140	A02	EUR/100 kg	102,64
0402 21 99 9200	A02	EUR/100 kg	92,86	0404 90 81 9100	A02	EUR/kg	0,5000
0402 21 99 9300	A02	EUR/100 kg	93,76	0404 90 83 9110	A02	EUR/kg	0,5000
0402 21 99 9400	A02	EUR/100 kg	100,19	0404 90 83 9130	A02	EUR/kg	0,8052
0402 21 99 9500	A02	EUR/100 kg	102,59	0404 90 83 9150	A02	EUR/kg	0,8500
0402 21 99 9600	A02	EUR/100 kg	111,29	0404 90 83 9170	A02	EUR/kg	0,9150
0402 21 99 9700	A02	EUR/100 kg	116,11	0404 90 83 9936	A02	EUR/kg	0,1445
0402 21 99 9900	A02	EUR/100 kg	121,79	0405 10 11 9500	L05	EUR/100 kg	170,73
0402 29 15 9200	A02	EUR/kg	0,5000	0405 10 11 9700	L05	EUR/100 kg	175,00
0402 29 15 9300	A02	EUR/kg	0,8054	0405 10 19 9500	L05	EUR/100 kg	170,73
0402 29 15 9500	A02	EUR/kg	0,8502	0405 10 19 9700	L05	EUR/100 kg	175,00
0402 29 15 9900	A02	EUR/kg	0,9150	0405 10 30 9100	L05	EUR/100 kg	170,73
0402 29 19 9300	A02	EUR/kg	0,8054	0405 10 30 9300	L05	EUR/100 kg	175,00
0402 29 19 9500	A02	EUR/kg	0,8502	0405 10 30 9700	L05	EUR/100 kg	175,00
0402 29 19 9900	A02	EUR/kg	0,9150	0405 10 50 9300	L05	EUR/100 kg	175,00

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0405 10 50 9500	L05	EUR/100 kg	170,73		L03	EUR/100 kg	—
0405 10 50 9700	L05	EUR/100 kg	175,00		A24	EUR/100 kg	27,09
0405 10 90 9000	L05	EUR/100 kg	181,41		L04	EUR/100 kg	27,09
0405 20 90 9500	L05	EUR/100 kg	160,07		400	EUR/100 kg	—
0405 20 90 9700	L05	EUR/100 kg	166,47		A01	EUR/100 kg	27,09
0405 90 10 9000	L05	EUR/100 kg	222,36	0406 10 20 9870	A00	EUR/100 kg	—
0405 90 90 9000	L05	EUR/100 kg	175,00	0406 10 20 9900	A00	EUR/100 kg	—
0406 10 20 9100	A00	EUR/100 kg	—	0406 20 90 9100	A00	EUR/100 kg	—
0406 10 20 9230	L02	EUR/100 kg	—	0406 20 90 9913	L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	32,03		A24	EUR/100 kg	49,95
	L04	EUR/100 kg	32,03		L04	EUR/100 kg	49,95
	400	EUR/100 kg	—		400	EUR/100 kg	20,23
	A01	EUR/100 kg	32,03		A01	EUR/100 kg	49,95
0406 10 20 9290	L02	EUR/100 kg	—	0406 20 90 9915	L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	29,79		A24	EUR/100 kg	65,93
	L04	EUR/100 kg	29,79		L04	EUR/100 kg	65,93
	400	EUR/100 kg	—		400	EUR/100 kg	26,95
	A01	EUR/100 kg	29,79		A01	EUR/100 kg	65,93
0406 10 20 9300	L02	EUR/100 kg	—	0406 20 90 9917	L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	13,08		A24	EUR/100 kg	70,05
	L04	EUR/100 kg	13,08		L04	EUR/100 kg	70,05
	400	EUR/100 kg	—		400	EUR/100 kg	28,65
	A01	EUR/100 kg	13,08		A01	EUR/100 kg	70,05
0406 10 20 9610	L02	EUR/100 kg	—	0406 20 90 9919	L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	43,44		A24	EUR/100 kg	78,29
	L04	EUR/100 kg	43,44		L04	EUR/100 kg	78,29
	400	EUR/100 kg	—		400	EUR/100 kg	31,96
	A01	EUR/100 kg	43,44		A01	EUR/100 kg	78,29
0406 10 20 9620	L02	EUR/100 kg	—	0406 20 90 9990	A00	EUR/100 kg	—
	L03	EUR/100 kg	—	0406 30 31 9710	L02	EUR/100 kg	—
	A24	EUR/100 kg	44,06		L03	EUR/100 kg	—
	L04	EUR/100 kg	44,06		A24	EUR/100 kg	12,33
	400	EUR/100 kg	—		L04	EUR/100 kg	6,58
	A01	EUR/100 kg	44,06		400	EUR/100 kg	—
0406 10 20 9630	L02	EUR/100 kg	—	0406 30 31 9730	A01	EUR/100 kg	12,33
	L03	EUR/100 kg	—		L02	EUR/100 kg	—
	A24	EUR/100 kg	49,18		L03	EUR/100 kg	—
	L04	EUR/100 kg	49,18		A24	EUR/100 kg	18,09
	400	EUR/100 kg	—		L04	EUR/100 kg	9,64
	A01	EUR/100 kg	49,18		400	EUR/100 kg	—
0406 10 20 9640	L02	EUR/100 kg	—	0406 30 31 9910	A01	EUR/100 kg	18,09
	L03	EUR/100 kg	—		L02	EUR/100 kg	—
	A24	EUR/100 kg	72,28		L03	EUR/100 kg	—
	L04	EUR/100 kg	72,28		A24	EUR/100 kg	12,33
	400	EUR/100 kg	—		L04	EUR/100 kg	6,58
	A01	EUR/100 kg	72,28		400	EUR/100 kg	—
0406 10 20 9650	L02	EUR/100 kg	—	0406 30 31 9930	A01	EUR/100 kg	12,33
	L03	EUR/100 kg	—		L02	EUR/100 kg	—
	A24	EUR/100 kg	60,23		L03	EUR/100 kg	—
	L04	EUR/100 kg	60,23		A24	EUR/100 kg	18,09
	400	EUR/100 kg	—		L04	EUR/100 kg	9,64
	A01	EUR/100 kg	60,23		400	EUR/100 kg	—
0406 10 20 9660	A00	EUR/100 kg	—	0406 30 31 9950	A01	EUR/100 kg	18,09
0406 10 20 9830	L02	EUR/100 kg	—		L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	22,34		A24	EUR/100 kg	26,31
	L04	EUR/100 kg	22,34		L04	EUR/100 kg	14,03
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	22,34		A01	EUR/100 kg	26,31
0406 10 20 9850	L02	EUR/100 kg	—				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 30 39 9500	L02	EUR/100 kg	—	0406 90 23 9900	L04	EUR/100 kg	87,47
	L03	EUR/100 kg	—		400	EUR/100 kg	28,48
	A24	EUR/100 kg	18,09		A01	EUR/100 kg	99,91
	L04	EUR/100 kg	9,64		L02	EUR/100 kg	—
	400	EUR/100 kg	—		L03	EUR/100 kg	—
0406 30 39 9700	A01	EUR/100 kg	18,09	A24	EUR/100 kg	88,33	
	L02	EUR/100 kg	—	L04	EUR/100 kg	76,81	
	L03	EUR/100 kg	—	400	EUR/100 kg	—	
	A24	EUR/100 kg	26,31	A01	EUR/100 kg	88,33	
	L04	EUR/100 kg	14,03	0406 90 25 9900	L02	EUR/100 kg	—
400	EUR/100 kg	—	L03		EUR/100 kg	—	
A01	EUR/100 kg	26,31	A24		EUR/100 kg	87,38	
0406 30 39 9930	L02	EUR/100 kg	—		L04	EUR/100 kg	76,30
	L03	EUR/100 kg	—		400	EUR/100 kg	—
	A24	EUR/100 kg	26,31	A01	EUR/100 kg	87,38	
	L04	EUR/100 kg	14,03	0406 90 27 9900	L02	EUR/100 kg	—
	400	EUR/100 kg	—		L03	EUR/100 kg	—
A01	EUR/100 kg	26,31	A24		EUR/100 kg	79,14	
0406 30 39 9950	L02	EUR/100 kg	—		L04	EUR/100 kg	69,11
	L03	EUR/100 kg	—		400	EUR/100 kg	—
	A24	EUR/100 kg	29,75	A01	EUR/100 kg	79,14	
	L04	EUR/100 kg	15,87	0406 90 31 9119	L02	EUR/100 kg	—
	400	EUR/100 kg	—		L03	EUR/100 kg	—
A01	EUR/100 kg	29,75	A24		EUR/100 kg	72,85	
0406 30 90 9000	L02	EUR/100 kg	—		L04	EUR/100 kg	63,51
	L03	EUR/100 kg	—		400	EUR/100 kg	16,32
	A24	EUR/100 kg	31,21	A01	EUR/100 kg	72,85	
	L04	EUR/100 kg	16,64	0406 90 33 9119	L02	EUR/100 kg	—
	400	EUR/100 kg	—		L03	EUR/100 kg	—
A01	EUR/100 kg	31,21	A24		EUR/100 kg	72,85	
0406 40 50 9000	L02	EUR/100 kg	—		L04	EUR/100 kg	63,51
	L03	EUR/100 kg	—		400	EUR/100 kg	16,32
	A24	EUR/100 kg	76,50	A01	EUR/100 kg	72,85	
	L04	EUR/100 kg	76,50	0406 90 33 9919	L02	EUR/100 kg	—
	400	EUR/100 kg	—		L03	EUR/100 kg	—
A01	EUR/100 kg	76,50	A24		EUR/100 kg	66,81	
0406 40 90 9000	L02	EUR/100 kg	—		L04	EUR/100 kg	58,05
	L03	EUR/100 kg	—		400	EUR/100 kg	—
	A24	EUR/100 kg	78,56	A01	EUR/100 kg	66,81	
	L04	EUR/100 kg	78,56	0406 90 33 9951	L02	EUR/100 kg	—
	400	EUR/100 kg	—		L03	EUR/100 kg	—
A01	EUR/100 kg	78,56	A24		EUR/100 kg	66,86	
0406 90 13 9000	L02	EUR/100 kg	—		L04	EUR/100 kg	58,63
	L03	EUR/100 kg	—		400	EUR/100 kg	—
	A24	EUR/100 kg	98,91	A01	EUR/100 kg	66,86	
	L04	EUR/100 kg	86,38	0406 90 35 9190	L02	EUR/100 kg	28,30
	400	EUR/100 kg	38,51		L03	EUR/100 kg	—
A01	EUR/100 kg	98,91	A24		EUR/100 kg	103,33	
0406 90 15 9100	L02	EUR/100 kg	—		L04	EUR/100 kg	89,85
	L03	EUR/100 kg	—		400	EUR/100 kg	39,27
	A24	EUR/100 kg	102,21	A01	EUR/100 kg	103,33	
	L04	EUR/100 kg	89,26	0406 90 35 9990	L02	EUR/100 kg	—
	400	EUR/100 kg	39,70		L03	EUR/100 kg	—
A01	EUR/100 kg	102,21	A24		EUR/100 kg	103,33	
0406 90 17 9100	L02	EUR/100 kg	—		L04	EUR/100 kg	89,85
	L03	EUR/100 kg	—		400	EUR/100 kg	25,67
	A24	EUR/100 kg	102,21	A01	EUR/100 kg	103,33	
	L04	EUR/100 kg	89,26	0406 90 37 9000	L02	EUR/100 kg	—
	400	EUR/100 kg	39,70		L03	EUR/100 kg	—
A01	EUR/100 kg	102,21	A24		EUR/100 kg	98,91	
0406 90 21 9900	L02	EUR/100 kg	—		L04	EUR/100 kg	86,38
	L03	EUR/100 kg	—		400	EUR/100 kg	38,51
	A24	EUR/100 kg	99,91	A01	EUR/100 kg	98,91	

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund		
0406 90 61 9000	L02	EUR/100 kg	39,96	0406 90 78 9500	L03	EUR/100 kg	—		
	L03	EUR/100 kg	—		A24	EUR/100 kg	90,08		
	A24	EUR/100 kg	110,19		L04	EUR/100 kg	78,86		
	L04	EUR/100 kg	95,20		400	EUR/100 kg	—		
	400	EUR/100 kg	36,55		A01	EUR/100 kg	90,08		
	A01	EUR/100 kg	110,19		L02	EUR/100 kg	—		
0406 90 63 9100	L02	EUR/100 kg	36,41		L03	EUR/100 kg	—		
	L03	EUR/100 kg	—		A24	EUR/100 kg	88,70		
	A24	EUR/100 kg	109,27		L04	EUR/100 kg	78,12		
	L04	EUR/100 kg	94,70		400	EUR/100 kg	—		
	400	EUR/100 kg	40,89	A01	EUR/100 kg	88,70			
	A01	EUR/100 kg	109,27	0406 90 79 9900	L02	EUR/100 kg	—		
0406 90 63 9900	L02	EUR/100 kg	29,09		L03	EUR/100 kg	—		
	L03	EUR/100 kg	—		A24	EUR/100 kg	73,33		
	A24	EUR/100 kg	105,55		L04	EUR/100 kg	63,77		
	L04	EUR/100 kg	91,04		400	EUR/100 kg	—		
	400	EUR/100 kg	31,28		A01	EUR/100 kg	73,33		
	A01	EUR/100 kg	105,55	0406 90 81 9900	L02	EUR/100 kg	—		
0406 90 69 9100	A00	EUR/100 kg	—		L03	EUR/100 kg	—		
	0406 90 69 9910	L02	EUR/100 kg		—	A24	EUR/100 kg	92,33	
		L03	EUR/100 kg		—	L04	EUR/100 kg	80,62	
		A24	EUR/100 kg		105,55	400	EUR/100 kg	30,43	
		L04	EUR/100 kg		91,04	A01	EUR/100 kg	92,33	
		400	EUR/100 kg	31,28	0406 90 85 9930	L02	EUR/100 kg	—	
A01		EUR/100 kg	105,55	L03		EUR/100 kg	—		
0406 90 73 9900	L02	EUR/100 kg	—	A24		EUR/100 kg	100,22		
	L03	EUR/100 kg	—	L04		EUR/100 kg	87,07		
	A24	EUR/100 kg	90,87	400		EUR/100 kg	37,91		
	L04	EUR/100 kg	79,29	A01		EUR/100 kg	100,22		
	400	EUR/100 kg	33,66	0406 90 85 9970	L02	EUR/100 kg	—		
	A01	EUR/100 kg	90,87		L03	EUR/100 kg	—		
0406 90 75 9900	L02	EUR/100 kg	—		A24	EUR/100 kg	91,86		
	L03	EUR/100 kg	—		L04	EUR/100 kg	79,82		
	A24	EUR/100 kg	91,86		400	EUR/100 kg	33,17		
	L04	EUR/100 kg	79,82		A01	EUR/100 kg	91,86		
	400	EUR/100 kg	14,20	0406 90 85 9999	A00	EUR/100 kg	—		
	A01	EUR/100 kg	91,86		0406 90 86 9100	A00	EUR/100 kg	—	
0406 90 76 9300	L02	EUR/100 kg	—			0406 90 86 9200	L02	EUR/100 kg	—
	L03	EUR/100 kg	—				L03	EUR/100 kg	—
	A24	EUR/100 kg	82,43				A24	EUR/100 kg	86,90
	L04	EUR/100 kg	71,98				L04	EUR/100 kg	73,24
	400	EUR/100 kg	—	400			EUR/100 kg	17,68	
	A01	EUR/100 kg	82,43	A01	EUR/100 kg		86,90		
0406 90 76 9400	L02	EUR/100 kg	—	0406 90 86 9300	L02	EUR/100 kg	—		
	L03	EUR/100 kg	—		L03	EUR/100 kg	—		
	A24	EUR/100 kg	92,33		A24	EUR/100 kg	87,82		
	L04	EUR/100 kg	80,62		L04	EUR/100 kg	74,30		
	400	EUR/100 kg	14,79		400	EUR/100 kg	19,38		
	A01	EUR/100 kg	92,33		A01	EUR/100 kg	87,82		
0406 90 76 9500	L02	EUR/100 kg	—	0406 90 86 9400	L02	EUR/100 kg	—		
	L03	EUR/100 kg	—		L03	EUR/100 kg	—		
	A24	EUR/100 kg	87,08		A24	EUR/100 kg	92,33		
	L04	EUR/100 kg	76,70		L04	EUR/100 kg	78,94		
	400	EUR/100 kg	14,79		400	EUR/100 kg	21,93		
	A01	EUR/100 kg	87,08		A01	EUR/100 kg	92,33		
0406 90 78 9100	L02	EUR/100 kg	—	0406 90 86 9900	L02	EUR/100 kg	—		
	L03	EUR/100 kg	—		L03	EUR/100 kg	—		
	A24	EUR/100 kg	86,92		A24	EUR/100 kg	100,22		
	L04	EUR/100 kg	74,38		L04	EUR/100 kg	87,07		
	400	EUR/100 kg	—		400	EUR/100 kg	25,67		
	A01	EUR/100 kg	86,92		A01	EUR/100 kg	100,22		
0406 90 78 9300	L02	EUR/100 kg	—						

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 87 9100	A00	EUR/100 kg	—		400	EUR/100 kg	—
0406 90 87 9200	L02	EUR/100 kg	—		A01	EUR/100 kg	38,79
	L03	EUR/100 kg	—	0406 90 87 9973	L02	EUR/100 kg	—
	A24	EUR/100 kg	72,41		L03	EUR/100 kg	—
	L04	EUR/100 kg	61,04		A24	EUR/100 kg	89,03
	400	EUR/100 kg	15,81		L04	EUR/100 kg	77,74
	A01	EUR/100 kg	72,41		400	EUR/100 kg	15,39
0406 90 87 9300	L02	EUR/100 kg	—		A01	EUR/100 kg	89,03
	L03	EUR/100 kg	—	0406 90 87 9974	L02	EUR/100 kg	—
	A24	EUR/100 kg	80,66		L03	EUR/100 kg	—
	L04	EUR/100 kg	68,23		A24	EUR/100 kg	96,21
	400	EUR/100 kg	17,85		L04	EUR/100 kg	84,37
	A01	EUR/100 kg	80,66		400	EUR/100 kg	15,39
0406 90 87 9400	L02	EUR/100 kg	—		A01	EUR/100 kg	96,21
	L03	EUR/100 kg	—	0406 90 87 9975	L02	EUR/100 kg	—
	A24	EUR/100 kg	81,88		L03	EUR/100 kg	—
	L04	EUR/100 kg	70,01		A24	EUR/100 kg	97,28
	400	EUR/100 kg	19,55		L04	EUR/100 kg	86,06
	A01	EUR/100 kg	81,88		400	EUR/100 kg	20,40
0406 90 87 9951	L02	EUR/100 kg	—		A01	EUR/100 kg	97,28
	L03	EUR/100 kg	—	0406 90 87 9979	L02	EUR/100 kg	—
	A24	EUR/100 kg	90,68		L03	EUR/100 kg	—
	L04	EUR/100 kg	79,18		A24	EUR/100 kg	88,33
	400	EUR/100 kg	27,03		L04	EUR/100 kg	76,81
	A01	EUR/100 kg	90,68		400	EUR/100 kg	15,39
0406 90 87 9971	L02	EUR/100 kg	—		A01	EUR/100 kg	88,33
	L03	EUR/100 kg	—	0406 90 88 9100	A00	EUR/100 kg	—
	A24	EUR/100 kg	90,68	0406 90 88 9300	L02	EUR/100 kg	—
	L04	EUR/100 kg	79,18		L03	EUR/100 kg	—
	400	EUR/100 kg	21,93		A24	EUR/100 kg	70,98
	A01	EUR/100 kg	90,68		L04	EUR/100 kg	60,27
0406 90 87 9972	A24	EUR/100 kg	38,79		400	EUR/100 kg	19,38
	L03	EUR/100 kg	—		A01	EUR/100 kg	70,98
	L04	EUR/100 kg	33,73				

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

The numeric destination codes are set out in Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6).

The other destinations are defined as follows:

L02 Switzerland, Liechtenstein,

L03 Ceuta, Melilla, Iceland, Norway, Andorra, Gibraltar, Holy See (often referred to as Vatican City), Malta, Turkey, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovakia, Hungary, Romania, Bulgaria, Canada, Cyprus, Australia and New Zealand,

L04 Albania, Slovenia, Croatia, Bosnia and Herzegovina, Yugoslavia and the Former Yugoslav Republic of Macedonia,

L05 all destinations except Poland and the United States of America.

970 includes the exports referred to in Articles 36(1)(a) and (c) and 44(1)(a) and (b) of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11) and exports under contracts with armed forces stationed on the territory of a Member State which do not come under its flag.

COMMISSION REGULATION (EC) No 383/2002**of 28 February 2002****fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 15 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund. Whereas Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 1563/2001 ⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EC) No 1255/1999.

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

(3) Article 4(3) of Regulation (EC) No 1520/2000 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products.

(4) Article 11(1) of Regulation (EC) No 1255/1999 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.

(5) Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽⁵⁾, as last amended by Regulation (EC) No 635/2000 ⁽⁶⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.

(6) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed in Article 1 of Regulation (EC) No 1255/1999, exported in the form of goods listed in the Annex to Regulation (EC) No 1255/1999, are hereby fixed as shown in the Annex to this Regulation.

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 March 2002.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁴⁾ OJ L 208, 1.8.2001, p. 8.

⁽⁵⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁶⁾ OJ L 76, 25.3.2000, p. 9.

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

Done at Brussels, 28 February 2002.

For the Commission
Erkki LIIKANEN
Member of the Commission

ANNEX

to the Commission Regulation of 28 February 2002 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)

CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2): (a) On exportation of goods of CN code 3501 (b) On exportation of other goods	— 50,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3): (a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported (b) On exportation of other goods	65,54 91,50
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6): (a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported (b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat (c) On exportation of other goods	90,00 182,25 175,00

COMMISSION REGULATION (EC) No 384/2002

of 28 February 2002

fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex I to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽³⁾, as last amended by Regulation (EC) No 1987/2001 ⁽⁴⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EEC) No 1766/92 and Article 13(1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽⁵⁾, as last amended by Regulation (EC) No 1563/2001 ⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate.
- (3) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. Whereas it is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. Whereas the fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

(5) Now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC ⁽⁷⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.

(6) Pursuant to Article 4(3) and (5) of Regulation (EC) No 1520/2000 provides that a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Council Regulation (EEC) No 1722/93 ⁽⁸⁾, as last amended by Commission Regulation (EC) No 1786/2001 ⁽⁹⁾, for the basic product in question, used during the assumed period of manufacture of the goods.

(7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 of the Act of Accession of the United Kingdom, Ireland and Denmark stipulates that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.

(8) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.

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

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1(1) of Regulation (EC) No 3072/95, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to amended Regulation (EC) No 3072/95 respectively, are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 March 2002.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 271, 12.10.2001, p. 5.

⁽⁵⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁶⁾ OJ L 208, 1.8.2001, p. 8.

⁽⁷⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁸⁾ OJ L 159, 1.7.1993, p. 112.

⁽⁹⁾ OJ L 242, 12.9.2001, p. 3.

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

Done at Brussels, 28 February 2002.

For the Commission
Erkki LIIKANEN
Member of the Commission

ANNEX

**to the Commission Regulation of 28 February 2002 fixing the rates of the refunds applicable to certain cereals
and rice products exported in the form of goods not covered by Annex I to the Treaty**

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases	— —	— —
1001 90 99	Common wheat and meslin: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases: – – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – – in other cases	— — — —	— — — —
1002 00 00	Rye	1,749	1,749
1003 00 90	Barley – where goods falling within subheading 2208 ⁽³⁾ are exported – in other cases	— —	— —
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of: – starch: – – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – – in other cases – glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽⁴⁾ : – – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – – in other cases – where goods falling within subheading 2208 ⁽³⁾ are exported – other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – in other cases	2,210 0,193 2,210 1,658 0,145 1,658 0,193 2,210 2,210 0,193 2,210	2,210 0,193 2,210 1,658 0,145 1,658 0,193 2,210 2,210 0,193 2,210

(EUR/100 kg)

(EUR/100 kg)

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly-milled rice: – round grain	19,300	19,300
	– medium grain	19,300	19,300
	– long grain	19,300	19,300
1006 40 00	Broken rice	4,400	4,400
1007 00 90	Sorghum	—	—

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

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

⁽³⁾ Goods listed in Annex B of Council Regulation (EEC) No 1766/92 or referred to in Article 2 of Regulation (EEC) No 2825/93.

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

COMMISSION REGULATION (EC) No 385/2002

of 28 February 2002

fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 27(1) and (2) of Regulation (EEC) No 1260/2001 provides that the differences between the prices in international trade for the products listed in Article 1(1)(a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in the Annex to that Regulation. Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty and the criteria for fixing the amount of such refunds ⁽²⁾, as last amended by Regulation (EC) No 1563/2001 ⁽³⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EC) No 1260/2001.
- (2) In accordance with Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (3) Article 27(3) of Regulation (EC) No 1260/2001 and Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lay down that the export refund for a product contained in a good may not

exceed the refund applicable to that product when exported without further processing.

- (4) The refunds fixed under this Regulation may be fixed in advance as the market situation over the next few months cannot be established at the moment.
- (5) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardized by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.
- (6) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 March 2002.

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

Done at Brussels, 28 February 2002.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 177, 15.7.2000, p. 1.

⁽³⁾ OJ L 208, 1.8.2001, p. 8.

ANNEX

to the Commission Regulation of 28 February 2002 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex I to the Treaty

Product	Rate of refund in EUR/100 kg	
	In case of advance fixing of refunds	Other
White sugar:	41,67	41,67

COMMISSION REGULATION (EC) No 386/2002
of 28 February 2002
fixing the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13 (8) thereof,

Whereas:

- (1) Article 13 (8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 602/2001 ⁽⁴⁾, allows for the fixing of a corrective amount for the products listed in Article 1(1) (c) of Regulation (EEC) No 1766/92; that corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) The world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination.
- (4) The corrective amount must be fixed at the same time as the refund and according to the same procedure; it may be altered in the period between fixings.
- (5) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1(1) (a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance except for malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 March 2002.

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

Done at Brussels, 28 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

ANNEX

to the Commission Regulation of 28 February 2002 fixing the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7	5th period 8	6th period 9
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	C01	—	-0,93	-1,86	-1,86	—	—	—
1002 00 00 9000	C03	-30,00	-30,00	-30,00	-30,00	-30,00	—	—
	A05	0,00	0,00	0,00	0,00	—	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	A00	—	-0,93	-1,86	-1,86	—	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	A00	0	-0,93	-1,86	-1,86	—	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	A00	0	-0,93	-1,86	-2,79	-3,72	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	C01	0	-1,27	-2,55	-2,55	—	—	—
1101 00 15 9130	C01	0	-1,19	-2,38	-2,38	—	—	—
1101 00 15 9150	C01	0	-1,10	-2,19	-2,19	—	—	—
1101 00 15 9170	C01	0	-1,01	-2,03	-2,03	—	—	—
1101 00 15 9180	C01	0	-0,95	-1,90	-1,90	—	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	C01	0	0,00	0,00	0,00	—	—	—
1102 10 00 9700	C01	0	0,00	0,00	0,00	—	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	-1,40	-2,79	-2,79	—	—	—
1103 11 10 9400	A00	0	-1,25	-2,79	-2,79	—	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	-1,27	-2,55	-2,55	—	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

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

The numeric destination codes are set out in Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6).

The other destinations are as follows:

C01 All destinations except for Poland,

C03 Poland, Czech Republic, Slovak Republic, Hungary, Estonia, Latvia, Lithuania, Norway, Faroe Islands, Iceland, Russia, Belarus, Bosnia and Herzegovina, Croatia, Slovenia, former Republic of Yugoslavia with the exception of Slovenia, Croatia and Bosnia and Herzegovina, Albania, Romania, Bulgaria, Armenia, Georgia, Azerbaijan, Moldova, Ukraine, Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan, Turkmenistan, Morocco, Algeria, Tunisia, Libya, Egypt, Malta, Cyprus and Turkey,

A05 other non-member countries.

COMMISSION REGULATION (EC) No 387/2002
of 28 February 2002
fixing the corrective amount applicable to the refund on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(8),

Whereas:

- (1) Article 13(8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 602/2001 ⁽⁴⁾, allows for the fixing of a corrective amount for the malt referred to

in Article 1(1)(c) of Regulation (EEC) No 1766/92. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 13(4) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 March 2002.

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

Done at Brussels, 28 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

ANNEX

to the Commission Regulation of 28 February 2002 fixing the corrective amount applicable to the refund on malt

(EUR/t)

Product code	Destination	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7	5th period 8
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	-1,18	-2,36	-3,54	—	-1,18
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	-1,18	-2,36	-3,54	—	-1,18
1107 20 00 9000	A00	0	-1,39	-2,77	-4,16	—	-1,39

(EUR/t)

Product code	Destination	6th period 9	7th period 10	8th period 11	9th period 12	10th period 1	11th period 2
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	-2,36	-3,54	-4,72	-5,91	-7,09	-8,27
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	-2,36	-3,54	-4,72	-5,91	-7,09	-8,27
1107 20 00 9000	A00	-2,77	-4,16	-5,54	-6,93	-8,31	-9,70

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

The numeric destination codes are set out in Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6).

COMMISSION REGULATION (EC) No 388/2002**of 28 February 2002****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 943/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 602/2001 ⁽⁴⁾, and in particular Article 4 thereof,

Whereas:

- (1) An invitation to tender for the refund on exportation of common wheat to all third countries with the exclusion of Poland was opened pursuant to Commission Regulation (EC) No 943/2001 ⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 22 to 28 February 2002, pursuant to the invitation to tender issued in Regulation (EC) No 943/2001, the maximum refund on exportation of common wheat shall be EUR 0,00/t.

Article 2

This Regulation shall enter into force on 1 March 2002.

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

Done at Brussels, 28 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 133, 16.5.2001, p. 3.

COMMISSION REGULATION (EC) No 389/2002
of 28 February 2002
fixing the maximum export refund on rye in connection with the invitation to tender issued in
Regulation (EC) No 1005/2001

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1666/2000⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 602/2001⁽⁴⁾, and in particular Article 7 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of rye to all third countries was opened pursuant to Commission Regulation (EC) No 1005/2001⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 22 to 28 February 2002, pursuant to the invitation to tender issued in Regulation (EC) No 1005/2001, the maximum refund on exportation of rye shall be EUR 37,00/t.

Article 2

This Regulation shall enter into force on 1 March 2002.

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

Done at Brussels, 28 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 140, 24.5.2001, p. 10.

COMMISSION REGULATION (EC) No 390/2002
of 28 February 2002
fixing the maximum export refund on barley in connection with the invitation to tender issued in
Regulation (EC) No 1558/2001

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 602/2001 ⁽⁴⁾, and in particular Article 4 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of barley to all third countries except for the United States of America and Canada was opened pursuant to Commission Regulation (EC) No 1558/2001 ⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 22 to 28 February 2002, pursuant to the invitation to tender issued in Regulation (EC) No 1558/2001, the maximum refund on exportation of barley shall be EUR 0,00/t.

Article 2

This Regulation shall enter into force on 1 March 2002.

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

Done at Brussels, 28 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 89, 29.3.2001, p. 16.

⁽⁵⁾ OJ L 205, 31.7.2001, p. 33.

**COMMISSION REGULATION (EC) No 391/2002
of 28 February 2002**

**fixing the maximum reduction in the duty on maize imported in connection with the invitation to
tender issued in Regulation (EC) No 9/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1666/2000⁽²⁾, and in particular Article 12(1) thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Spain was opened pursuant to Commission Regulation (EC) No 9/2002⁽³⁾.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 1839/95⁽⁴⁾, as last amended by Regulation (EC) No 2235/2000⁽⁵⁾, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 22 to 28 February 2002, pursuant to the invitation to tender issued in Regulation (EC) No 9/2002, the maximum reduction in the duty on maize imported shall be 22,69 EUR/t and be valid for a total maximum quantity of 1 887 tonnes.

Article 2

This Regulation shall enter into force on 1 March 2002.

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

Done at Brussels, 28 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 3, 5.1.2002, p. 29.

⁽⁴⁾ OJ L 177, 28.7.1995, p. 4.

⁽⁵⁾ OJ L 256, 10.10.2000, p. 13.

**COMMISSION REGULATION (EC) No 392/2002
of 28 February 2002**

**fixing the maximum reduction in the duty on maize imported in connection with the invitation to
tender issued in Regulation (EC) No 30/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1666/2000⁽²⁾, and in particular Article 12(1) thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Portugal was opened pursuant to Commission Regulation (EC) No 30/2002⁽³⁾.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 1839/95⁽⁴⁾, as last amended by Regulation (EC) No 2235/2000⁽⁵⁾, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. A contract is

awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty being fixed at the amount specified in Article 1.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 22 to 28 February 2002, pursuant to the invitation to tender issued in Regulation (EC) No 30/2002, the maximum reduction in the duty on maize imported shall be 26,94 EUR/t and be valid for a total maximum quantity of 750 t.

Article 2

This Regulation shall enter into force on 1 March 2002.

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

Done at Brussels, 28 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 6, 10.1.2002, p. 35.

⁽⁴⁾ OJ L 177, 28.7.1995, p. 4.

⁽⁵⁾ OJ L 256, 10.10.2000, p. 13.

COMMISSION REGULATION (EC) No 393/2002
of 28 February 2002
fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 1666/2000 ⁽²⁾, and in particular the third subparagraph of Article 13(2) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽³⁾, as last amended by Regulation (EC) No 1987/2001 ⁽⁴⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid ⁽⁵⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section.
- (2) In order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid

actions, the level of the refunds granted for these actions should be determined.

- (3) The general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the abovementioned operations.
- (4) The specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 March 2002.

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

Done at Brussels, 28 February 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 271, 12.10.2001, p. 5.

⁽⁵⁾ OJ L 288, 25.10.1974, p. 1.

ANNEX

to the Commission Regulation of 28 February 2002 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(EUR/t)

Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	0,00
1002 00 00 9000	37,00
1003 00 90 9000	0,00
1005 90 00 9000	22,00
1006 30 92 9100	203,00
1006 30 92 9900	203,00
1006 30 94 9100	203,00
1006 30 94 9900	203,00
1006 30 96 9100	203,00
1006 30 96 9900	203,00
1006 30 98 9100	203,00
1006 30 98 9900	203,00
1006 30 65 9900	203,00
1007 00 90 9000	22,00
1101 00 15 9100	0,00
1101 00 15 9130	0,00
1102 10 00 9500	41,00
1102 20 10 9200	30,94
1102 20 10 9400	26,52
1103 11 10 9200	0,00
1103 13 10 9100	39,78
1104 12 90 9100	0,00

NB: The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

II

(Acts whose publication is not obligatory)

CONFERENCE OF THE REPRESENTATIVES
OF THE GOVERNMENTS OF THE MEMBER STATES

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES
MEETING WITHIN THE COUNCIL

of 21 February 2002

setting up a Fund for the financing of the Convention on the future of the European Union and
laying down the financial rules for its management

(2002/176/EU)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE
MEMBER STATES MEETING WITHIN THE COUNCIL,

HAVE DECIDED AS FOLLOWS:

Having regard to Point III of the Laeken Declaration on the future of the European Union set out in the Annex to the conclusions of the Presidency of the European Council meeting in Laeken on 14 and 15 December 2001 on the decision to convene a Convention on the future of the European Union (hereinafter referred to as 'the Convention'),

CHAPTER I

Creation of the Fund

Having regard to the Decision of the Chairman of the Convention to appoint a Secretary-General of that Convention,

Article 1

1. A Fund is hereby set up for the financing of the Convention (hereinafter referred to as 'the Fund').

2. In each Member State, the Fund shall have the most extensive legal capacity accorded to legal persons under its national laws. It may receive gifts, conclude contracts and be a party to legal proceedings. To that end, it shall be represented by the Secretary-General of the Convention.

3. The Governments of the Member States shall, with reference to Article 3 of the Protocol on the Privileges and Immunities of the European Communities of 8 April 1965, whenever possible take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable property or charges for the provision of services, where the Fund makes, for its official use, substantial purchases the price of which includes taxes of this kind. These provisions shall not be applied, however, so as to have the effect of distorting competition within the Communities.

Article 2

The role of the Fund shall be to collect the revenue and manage the expenditure of the Convention other than that relating to the infrastructure needed for its operation.

Whereas:

(1) Pursuant to the Laeken Declaration on the future of the European Union, the Convention has a Praesidium assisted by a Secretariat provided by the General Secretariat of the Council.

(2) A Fund should be set up to finance the Convention.

(3) Financial rules should also be laid down to specify in particular the detailed arrangements for implementing the budget intended to cover the expenditure arising out of the holding of the Convention other than that relating to the infrastructure needed for its operation, and the procedure for presenting and auditing the accounts.

(4) On 28 February 2002 the European Parliament, the Council and the European Commission concluded an Interinstitutional Agreement concerning the financing of the Convention on the future of the European Union,

Article 3

1. For the purposes of applying this Decision, the budget of the Fund (hereinafter referred to as 'the budget') shall be the act adopted by the Representatives of the Governments of the Member States, meeting within the Council, which sets out forecasts of, and authorises in advance, for each financial year, the revenue and expenditure of the Fund.

2. The budget shall be adopted on the proposal of the Secretary-General of the Convention and with the agreement of the European Parliament, the Council and the Commission.

Article 4

A special bank account shall be opened in the name of the Fund. The Secretary-General of the Convention shall be authorised to use this bank account in accordance with Article 16 in order to meet his obligations under this Decision.

Article 5

The revenue and expenditure shown in the budget shall be in balance.

CHAPTER II

Financial rules*Article 6*

This Chapter lays down the detailed rules for establishing and implementing the budget.

Article 7

1. The budget shall be subdivided into Titles and Chapters.
2. Appropriations entered in the budget may not be used for purposes other than those specified therein.

Article 8

Budget appropriations shall be used in accordance with the principles of sound financial management, in particular those of economy and cost-effectiveness.

Article 9

1. No revenue shall be collected and no expenditure effected unless credited to, or charged against, an Article in the budget.
2. No expenditure may be committed or authorised in excess of the authorised appropriations.

Article 10

1. All revenue and expenditure shall be entered in full in the budget and in the accounts without any adjustment against each other. Total revenue shall cover total expenditure.

2. The first financial year shall run from the day of entry into force of this Decision until 31 December 2002. The

second financial year shall run from 1 January 2003 until the Convention's proceedings end.

3. The expenditure of a financial year shall be entered in the accounts for that year on the basis of expenditure for which the financial controller received authorisation no later than 31 December and for which the corresponding payments were made by the accounting officer before the following 15 January.

4. Without prejudice to Article 11, the allotted appropriations may be used solely to cover expenditure properly entered into and paid under the financial year for which they were granted, and to cover the debts relating to the preceding financial year for which no appropriation was carried forward.

Article 11

1. Appropriations not committed at the end of the first financial year and appropriations in respect of payments still outstanding by virtue of commitments duly entered into before the end of the first financial year shall be carried over automatically to the second financial year.

2. For the purpose of implementing the budget, the utilisation of appropriations carried forward shall be shown separately, for each budget Article, in the accounts for the current financial year.

CHAPTER III

Implementation of the budget and accountancy*Article 12*

The budget shall be implemented in accordance with the principle that the authorising officer and the accounting officer are different individuals. The duties of authorising officer, accounting officer and financial controller shall be mutually incompatible.

Article 13

1. The task of authorising officer for revenue and expenditure shall be carried out by the Secretary-General of the Convention. The authorising officer shall implement the budget within the limits of the appropriations allotted. He may delegate his powers to a member of the Secretariat of the Convention designated by him.

2. The authorising officer may decide to make transfers between Chapters within each Title.

3. The authorising officer may, with the agreement of the Representatives of the Governments of the Member States meeting within the Council, decide on transfers between Titles. He shall communicate his intention to make such transfers to the European Parliament, the Council and the Commission before he does so. The institutions shall take a position as soon as possible, and if one of them refuses the principle of a transfer within three weeks of the date of the communication, that transfer may not take place.

Article 14

Internal financial control of the Fund shall be carried out by the Financial Controller of the General Secretariat of the Council, subject to the explicit consent of the Appointing Authority.

Article 15

The receipt of revenue and the disbursement of expenditure shall be carried out by an accounting officer from Directorate-General A at the General Secretariat of the Council, subject to the explicit consent of the Appointing Authority.

Article 16

Payments shall be effected through the bank account opened in accordance with Article 4. Bank transfer orders executed pursuant to this Decision shall require the joint signature of the accounting officer and of the assistant to the Secretary-General of the Convention.

Article 17

The accounts shall be kept by the double-entry method. They shall show all revenue and expenditure.

CHAPTER IV

Presenting and auditing the accounts*Article 18*

1. The Secretary-General of the Convention shall, within two months of the end of the budget implementation period, draw up a revenue and expenditure account and a balance sheet.
2. The revenue and expenditure account shall cover all revenue and expenditure transactions relating to the preceding financial year. It shall be submitted in the same form and following the same subdivisions as the budget.
3. An appropriation transfer statement shall be attached to the account.
4. The balance sheet shall show the budget assets and liabilities as at the end of the preceding financial year.

Article 19

The Court of Auditors of the European Communities shall carry out the audit in such a way as to ensure that all Fund revenue has been received and all Fund expenditure incurred in a regular manner in accordance with the financial rules laid down in Chapter II of this Decision.

Article 20

The revenue and expenditure account, balance sheet and report by the Court of Auditors, accompanied where appropriate by the comments of the Secretary-General of the Convention, shall

be submitted within four months of the end of the financial year to the Representatives of the Governments of the Member States, meeting within the Council, and forwarded to the European Parliament, the Council, the Commission and the Praesidium of the Convention. The Representatives of the Governments of the Member States meeting within the Council, with the assent of the European Parliament, the Council and the Commission, shall give a discharge to the Secretary-General of the Convention in respect of the implementation of the budget.

Article 21

Once the Convention's proceedings are concluded and the accounts for the second financial year have been closed, the budget assets shall be paid into the general budget of the European Union and shared out between sections in proportion to each Institution's contribution to the Fund.

Article 22

The Secretary-General of the Convention shall report monthly to the Praesidium of the Convention and to the Member States on the revenue and expenditure of the Fund. The report shall be forwarded to the European Parliament, the Council and the Commission.

CHAPTER V

Travel expenses of the members of the Convention*Article 23*

Acting on a proposal from the Secretary-General of the Convention and on the basis of existing practices at the Council, the Praesidium shall adopt a Decision specifying the conditions and practical arrangements for the reimbursement of the travel expenses of the members of the Convention, insofar as these expenses are to be charged to the budget.

CHAPTER VI

Entry into force and publication*Article 24*

1. This Decision shall enter into force on the day of its adoption. It shall apply until 31 December 2002.
2. When the Interinstitutional Agreement concerning the financing of the Convention on the future of the European Union is extended in accordance with paragraph 9 of that Agreement, this Decision will be extended with effect from 1 January 2003 until the end of the Convention's proceedings by a decision of the Representatives of the Governments of the Member States.

Article 25

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 21 February 2002.

The President

F. J. CONDE DE SARO

COUNCIL

COUNCIL DECISION

of 18 February 2002

on guidelines for Member States' employment policies for the year 2002

(2002/177/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Having regard to the opinion of the Committee of the Regions ⁽⁴⁾,

Having regard to the opinion of the Employment Committee,

Whereas:

(1) The Luxembourg process, based on the implementation of the coordinated European Employment Strategy, was launched by the extraordinary European Council meeting on Employment on 20 and 21 November 1997. The Council Resolution of 15 December 1997 on the 1998 Employment Guidelines ⁽⁵⁾ has launched a process with high visibility, strong political commitment and a wide-ranging acceptance by all parties concerned.

(2) The Lisbon European Council on 23 and 24 March 2000 set a new strategic goal for the European Union to become the most competitive and dynamic knowledge-

based economy in the world capable of sustainable economic growth with more and better jobs and greater social cohesion. The attainment of this goal will enable the Union to regain the conditions for full employment.

(3) The Nice European Council on 7, 8 and 9 December 2000 approved the European Social Agenda, which states that the return to full employment involves ambitious policies in terms of increasing employment rates, reducing regional gaps, reducing inequality and improving job quality.

(4) The Stockholm European Council on 23 and 24 March 2001 agreed to complement the Lisbon targets for employment rates to be reached by 2010 with intermediate targets for employment rates by 2005 and a new target for 2010 for increasing the employment rate among older women and men.

(5) The Stockholm European Council also agreed that regaining full employment not only involves focusing on more jobs, but also on better jobs. To this end common approaches should be defined for maintaining and improving the quality of work, which should be included as a general objective in the employment guidelines.

(6) The Stockholm European Council further agreed that the modernisation of labour markets and labour mobility need to be encouraged to allow greater adaptability to change by breaking down existing barriers.

⁽¹⁾ Proposal of 12 September 2001 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered on 29 November 2001 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 17 October 2001 (not yet published in the Official Journal).

⁽⁴⁾ Opinion delivered on 14 November 2001 (not yet published in the Official Journal).

⁽⁵⁾ OJ C 30, 28.1.1998, p. 1.

- (7) The Gothenburg European Council on 15 and 16 June 2001 recognised that the fundamental Treaty objective of sustainable development implies that employment, economic reforms, social and environmental policies be addressed in a mutually reinforcing way, and invited Member States to draw up sustainable development strategies. Such strategies should include the promotion of employment in the environmental field. Synergies which result from environmental and employment policies should be demonstrated and used.
- (8) In implementing the employment guidelines, Member States should aim at a high degree of consistency with the two other priorities highlighted by the Lisbon Summit, namely modernising social protection and the promotion of social inclusion, while ensuring that work pays, and the long-term sustainability of social protection systems is secured.
- (9) The Lisbon European Council stressed the need to adapt European education and training systems both to the demands of the knowledge society and to the need for an improved level and quality of employment, and called upon Member States, the Council and the Commission to pursue a substantial annual increase in per capita investment in human resources. In particular, Member States should strengthen their effort towards the use of information and communication technology for learning.
- (10) The Santa Maria da Feira European Council on 19 and 20 June 2000 invited the social partners to play a more prominent role in defining, implementing and evaluating the employment guidelines which depend on them, focusing particularly on modernising work organisation, lifelong learning and increasing the employment rate, particularly for women.
- (11) The Council Decision of 19 January 2001 on guidelines for Member States' employment policies for the year 2001 ⁽¹⁾ reflects the new political messages endorsed by the Lisbon and Santa Maria da Feira European Councils.
- (12) The 2001 Joint Employment Report, drawn up by the Council and the Commission, describes the employment situation in the Community and examines the action taken by the Member States in implementing their employment policy in line with the 2001 employment guidelines and the Council Recommendation of 19 January 2001 on the implementation of Member States' employment policies ⁽²⁾.
- (13) Consistency and synergy between the employment guidelines and the broad economic policy guidelines should be ensured.
- (14) The Lisbon and Nice European Councils launched an open coordination process in the area of social inclusion. Consistency and synergy between the employment and social inclusion processes should be ensured.
- (15) The opinion of the Employment Committee was drafted jointly with the Economic Policy Committee.
- (16) On 18 February 2002 the Council adopted a further Recommendation on the implementation of Member States' employment policies ⁽³⁾.
- (17) The implementation of the guidelines may vary according to their nature, the parties to whom they are addressed and the different situations in the Member States. They should respect the principle of subsidiarity and Member States' responsibilities with regard to employment.
- (18) In implementing the employment guidelines, Member States should be able to take regional situations into account, while fully respecting the attainment of national targets and the principle of equal treatment.
- (19) The effectiveness of the Luxembourg process requires that the implementation of the employment guidelines is also reflected *inter alia* in financial provision. To this end, the national reports should, where appropriate, include budget information in order to permit an effective assessment of the progress achieved by each Member State in implementing the guidelines, taking into account their impact and cost-effectiveness.
- (20) Partnership at all levels should be encouraged, including with the social partners, regional and local authorities and representatives of civil society so that they can contribute, in their respective fields of responsibility, to promoting a high level of employment.
- (21) There is a need to consolidate and develop further comparable indicators to make it possible to assess the implementation and impact of the annexed guidelines, and to refine the targets which they contain and facilitate the identification and exchange of best practice.
- (22) Member States should strengthen their efforts to include and make visible a gender perspective across all the pillars.
- (23) Quality in work is an important objective of the European Employment Strategy. It involves both the job characteristics and the wider labour market context, and should be promoted through actions across all the pillars,

⁽¹⁾ OJ L 22, 24.1.2001, p. 18.

⁽²⁾ OJ L 22, 24.1.2001, p. 27.

⁽³⁾ See page 70 of this Official Journal.

HAS DECIDED AS FOLLOWS:

Sole Article

The guidelines for Member States' employment policies for the year 2002, annexed hereto, are hereby adopted. Member States shall take them into account in their employment policies.

Done at Brussels, 18 February 2002.

For the Council
The President
M. ARIAS CAÑETE

ANNEX

THE EMPLOYMENT GUIDELINES FOR 2002

Horizontal objectives — building conditions for full employment in a knowledge-based society

The careful build-up, over the last decade, of a macroeconomic framework for stability and growth coupled with consistent efforts to reform labour, capital, goods and services markets, as well as an improvement in the labour market situation over the last few years, has brought the attainment of some of the key objectives of the European Employment Strategy within reach. This is why the European Council has embraced full employment as an overarching objective of the European Union's employment and social policy. It committed the Member States to reach the strategic goal of making the Union the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion.

The achievement of these objectives requires simultaneous efforts by the Community and the Member States. It also requires a continued implementation of a comprehensive set of policies aiming at growth and macroeconomic stability, further structural reforms to improve the functioning of the European labour market, innovation and competitiveness, and an active welfare state promoting human resources development, participation, inclusion and solidarity. Further progress is however not automatic and requires strengthened efforts in view of the less favourable economic and employment outlook.

Preparing the transition to a knowledge-based economy, reaping the benefits of the information and communication technologies, modernising the European social model by investing in people and combating social exclusion and promoting equal opportunities are key challenges for the Luxembourg process. In order to achieve the goal of full employment set at Lisbon, the Member States should articulate their response to the guidelines under the four pillars in a coherent overall strategy which incorporates the following horizontal objectives:

- (A) Enhancing job opportunities and providing adequate incentives for all those willing to take up gainful employment with the aim of moving towards full employment recognising Member States' different starting positions, and recognising the fact that full employment is a goal of overall national economic policy. To this end Member States should consider setting national targets for raising the rate of employment, in order to contribute to the overall European objectives of:
- reaching by January 2005 an overall employment rate of 67 % and an employment rate of 57 % for women,
 - reaching by 2010 an overall employment rate of 70 % and an employment rate of more than 60 % for women,
 - reaching by 2010 an employment rate among older persons (aged 55 to 64) of 50 %.
- (B) With a view to raising employment rates, promoting social cohesion and social progress, enhancing competitiveness, productivity and the functioning of the labour market, Member States will endeavour to ensure that policies across the four pillars contribute to maintaining and improving quality in work. Areas for consideration could include, *inter alia*, both job characteristics (such as intrinsic job quality, skills, lifelong learning and career development) and the wider labour market context encompassing gender equality, health and safety at work, flexibility and security, inclusion and access to the labour market, work organisation and work-life balance, social dialogue and worker involvement, diversity and non-discrimination and overall work performance and productivity.
- (C) Member States shall develop comprehensive and coherent strategies for lifelong learning, in order to help people acquire and update the skills needed to cope with economic and social changes throughout the entire life cycle. In particular, the strategies should cover the development of systems for initial, secondary and tertiary education, further education and vocational training for young people and adults to improve their employability, adaptability and skills, as well as their participation in the knowledge-based society. Such strategies should articulate the shared responsibility of public authorities, enterprises, the social partners and individuals, with a relevant contribution from civil society, to contribute to the realisation of a knowledge-based society. In this context, the social partners are invited to negotiate and agree on measures to improve further education and training of adults to enhance the adaptability of workers and competitiveness of business. To this end, Member States should set national targets for an increase in investment in human resources as well as in participation in further education and training (whether formal or informal) and monitor regularly progress towards such targets.
- (D) Member States shall develop a comprehensive partnership with the social partners for the implementation, monitoring and follow-up of the Employment Strategy. The social partners at all levels are invited to step up their action in support of the Luxembourg process. Within the overall framework and objectives set by these guidelines, the social partners are invited to develop, in accordance with their national traditions and practices, their own process of implementing the guidelines for which they have the key responsibility, identify the issues upon which they will negotiate and report regularly on progress, in the context of the national action plans if desired, as well as the impact of their actions on employment and labour market functioning. The social partners at European level are invited to define their own contribution and to monitor, encourage and support efforts undertaken at national level.

- (E) In translating the employment guidelines into national policies, Member States will give due attention to all the four pillars and the horizontal objectives by setting their priorities in a balanced manner, so as to respect the integrated nature and equal value of the guidelines. The national action plans will develop the strategy for employment (adopting a gender mainstreaming approach), comprising an identification of the policy mix based on the four pillars and the horizontal objectives which should make explicit how policy initiatives under different guidelines are structured in order to reach long-term goals. In giving effect to the Strategy, the regional dimension and regional disparities will be taken into account in terms of differentiated policies or targets, while fully respecting the attainment of national targets and the principle of equal treatment. Likewise, it is appropriate for Member States, without prejudice to the overall framework, to focus, in particular, on certain dimensions of the strategy to meet the particular needs of their labour market situation.
- (F) Member States and the Commission should strengthen the development of common indicators in order to evaluate adequately progress under all four pillars, including with regard to quality in work, and to underpin the setting of benchmarks and the identification of good practice. The social partners are invited to develop appropriate indicators and benchmarks and supporting statistical databases to measure progress in the actions for which they are responsible. In particular, the Member States should evaluate and report in the framework of their respective national action plans on the efficiency of their policy measures in terms of their impact on labour market outcomes.

I. IMPROVING EMPLOYABILITY

Tackling youth unemployment and preventing long-term unemployment

In order to influence the trend in youth and long-term unemployment, Member States will intensify their efforts to develop preventive and employability-oriented strategies, building on the early identification of individual needs. Within one year — although this period may be extended in Member States with particularly high unemployment and without prejudice to the review of the guidelines which will take place in 2002 — Member States will ensure that:

1. Every unemployed person is offered a new start before reaching six months of unemployment in the case of young people, and 12 months of unemployment in the case of adults in the form of training, retraining, work practice, a job, or other employability measure, including, more generally, accompanying individual vocational guidance and counselling with a view to effective integration into the labour market.

These preventive and employability measures should be combined with measures to reduce the stock of the long-term unemployed by promoting their reinsertion in the labour market.

In this context, Member States should pursue the modernisation of their public employment services, in particular by monitoring progress, setting clear deadlines and providing adequate retraining of their staff. Member States should encourage cooperation with other service providers so as to make the strategy of prevention and activation more effective.

A more employment-friendly approach: benefits, taxes and training systems

Benefit, tax and training systems — where that proves necessary — must be reviewed and adapted to ensure that they actively support the employability of unemployed persons. Moreover, these systems should interact appropriately to encourage the return to the labour market of those inactive persons willing and able to take up a job. Particular attention should be given to promoting incentives for unemployed or inactive people to seek and take up work, as well as measures to upgrade their skills and enhance job opportunities in particular for those with the greatest difficulties.

2. Each Member State will:

- review and, where appropriate, reform its benefit and tax system to reduce poverty traps, and provide incentives for unemployed or inactive people to seek and take up work or measures to enhance their employability and for employers to create new jobs,
- endeavour to increase significantly the proportion of unemployed and inactive persons benefiting from active measures to improve their employability with a view to effective integration into the labour market, and will improve the outcomes, outputs and cost-effectiveness of such measures,
- promote measures for unemployed and inactive people to acquire or upgrade skills, including IT and communication skills, thereby facilitating their access to the labour market and reducing skill gaps. To this end, each Member State will fix a target for active measures involving education, training or similar measures offered to the unemployed thereby aiming at gradually achieving the average of the three most advanced Member States, and at least 20 %.

Developing a policy for active ageing

In-depth changes in the prevailing social attitudes towards older workers as well as a revision of tax-benefit systems are called for, in order to reach full employment, to help ensure the long-term fairness and sustainability of social security systems, and to make the best use of older workers' experience. The promotion of quality in work should also be considered as an important factor in maintaining older workers in the labour force.

3. Member States, if appropriate with the social partners, will therefore develop policies for active ageing with the aim of enhancing the capacity of, and incentives for, older workers to remain in the labour force as long as possible, in particular by:
 - adopting positive measures to maintain working capacity and skills of older workers, not least in a knowledge-based labour market, in particular through sufficient access to education and training, to introduce flexible working arrangements including, for example, part-time work if workers so choose, and to raise employers' awareness of the potential of older workers, and
 - reviewing tax and benefit systems in order to reduce disincentives and make it more attractive for older workers to continue participating in the labour market.

Developing skills for the new labour market in the context of lifelong learning

Effective and well-functioning educational and training systems responsive to labour market needs are key to the development of the knowledge-based economy and to the improvement of the level and quality of employment. They are also crucial to the delivery of lifelong learning to allow for a smooth transition from school to work, lay the foundations for productive human resources equipped with core and specific skills and enable people to adapt positively to social and economic change. The development of an employable labour force involves providing people with the capacity to access and reap the benefits of the knowledge-based society, addressing skill gaps and preventing the erosion of skills resulting from unemployment, non-participation and exclusion throughout the life cycle. Effective access of adults, whether employees or job seekers, to further vocational training should be promoted by Member States through the development, in consultation with the social partners, of an appropriate framework.

4. Member States are therefore called upon to improve the quality of their education and training systems, as well as the relevant curricula, including the provision of appropriate guidance in the context of both initial training and lifelong learning, the modernisation and greater effectiveness of apprenticeship systems and of in-work training, and promote the development of multi-purpose local learning centres, in order to:
 - equip young people with the basic skills relevant to the labour market and needed to participate in lifelong learning,
 - reduce youth and adult illiteracy and reduce substantially the number of young people who drop out of the school system early. Particular attention should also be given to young people with learning difficulties and with educational problems. Member States will in this context develop measures aimed at halving by 2010 the number of 18 to 24 year olds with only lower-secondary level education who are not in further education and training,
 - promote conditions to facilitate better access of adults, including those with atypical contracts, to lifelong learning, so as to increase the proportion of adult working-age population (25 to 64 year olds) participating at any given time in education and training. Member States should set targets for this purpose,
 - facilitate and encourage mobility and lifelong learning, paying attention to such factors as foreign language education, the improved recognition of qualifications and knowledge and skills acquired in the context of education, training and experience.
5. Member States will aim at developing e-learning for all citizens. In particular, Member States will continue their efforts to ensure that all schools have access to the internet and multimedia resources and that, by the end of 2002, all the teachers needed are skilled in the use of these technologies in order to provide all pupils with a broad digital literacy.

Active policies to develop job matching and to prevent and combat emerging bottlenecks in the new European labour markets

In all Member States unemployment and exclusion from the labour market coexist with labour shortages in certain sectors, occupations and regions. With the improvement of the employment situation and accelerating pace of technological change, these bottlenecks are increasing. An insufficiency of active policies to prevent and combat emerging labour shortages will harm competitiveness, increase inflationary pressures and keep structural unemployment high. The mobility of workers should be facilitated and encouraged in order to exploit fully the potential of open and accessible European labour markets.

6. Member States will, as appropriate with the social partners, step up their efforts to identify and prevent emerging bottlenecks, in particular by:
 - developing the job-matching capacities of employment services,
 - developing policies to prevent skills shortages,
 - promoting occupational and geographical mobility within each Member State and within the European Union,
 - enhancing the functioning of labour markets by improving databases on jobs and learning opportunities which should be interconnected at European level, making use of modern information technologies and experience already available at European level.

Combating discrimination and promoting social inclusion by access to employment

Many groups and individuals experience particular difficulties in acquiring relevant skills and in gaining access to, and remaining in, the labour market. This may increase the risk of exclusion. A coherent set of policies is called for to promote social inclusion by supporting the integration of disadvantaged groups and individuals into the world of work, and promoting the quality of their employment. Discrimination in access to, and on, the labour market should be combated.

7. Each Member State will:

- identify and combat all forms of discrimination in access to the labour market and to education and training,
- develop pathways consisting of effective preventive and active policy measures to promote the integration into the labour market of groups and individuals at risk or with a disadvantage, in order to avoid marginalisation, the emergence of 'working poor' and a drift into exclusion,
- implement appropriate measures to meet the needs of the disabled, ethnic minorities and migrant workers as regards their integration into the labour market and set national targets where appropriate for this purpose.

II. DEVELOPING ENTREPRENEURSHIP AND JOB CREATION

Making it easier to start up and run businesses

The development of new businesses in general, and the contribution to the growth of small and medium-sized enterprises (SMEs) in particular, is essential for job creation and for the expansion of training opportunities for young people. This process must be promoted by encouraging greater entrepreneurial awareness across society and in educational curricula, by providing a clear, stable and predictable set of rules and regulations by improving the conditions for the development of, and access to, risk capital markets. Member States should also reduce and simplify the administrative and tax burdens on SMEs. Policies should strengthen the prevention of, and the fight against, undeclared work.

8. Member States will give particular attention to reducing significantly the overhead costs and administrative burdens for businesses, in particular when an enterprise is being set up and when hiring additional workers. Also, Member States should, when drafting new regulations, assess their potential impact on such administrative burdens and overhead costs for businesses.
9. Member States will encourage the taking up of entrepreneurial activities:
 - by examining, with the aim of reducing, any obstacles which may exist, especially those within tax and social security regimes, to moving to self-employment and the setting up of small businesses,
 - by promoting education for entrepreneurship and self-employment, targeted support services as well as training for entrepreneurs and would-be entrepreneurs,
 - by combating undeclared work and encouraging the transformation of such work into regular employment, making use of all relevant means of action including regulatory measures, incentives and tax and benefit reform, in partnership with the social partners.

New opportunities for employment in the knowledge-based society and in services

If the Union wants to deal successfully with the employment challenge, all possible sources of jobs and new technologies must be exploited effectively. Innovative enterprises can make an essential contribution to mobilising the potential of the knowledge-based society to create high quality jobs. A considerable potential for job creation exists in the services sector. The environment sector may open important possibilities for entering the labour market. There is also a potential to upgrade workers' skills through the more rapid introduction of modern environment technology. To this end:

10. Member States will remove barriers to the provision of services and develop framework conditions to exploit fully the employment potential of the full range of the services sector to create more and better jobs. In particular, the employment potential of the knowledge society and the environmental sector should be tapped.

Regional and local action for employment

All actors at the regional and local levels, including the social partners, must be mobilised to implement the European Employment Strategy by identifying the potential of job creation at local level and strengthening partnerships to this end.

11. Member States will:

- take into account, where appropriate, in their overall employment policy the regional development dimension,
- encourage local and regional authorities to develop strategies for employment in order to exploit fully the possibilities offered by job creation at local level and promote partnerships to this end with all the actors concerned, including the representatives of civil society,

- promote measures to enhance the competitive development and the capacity of the social economy to create more jobs and to enhance their quality, especially the provision of goods and services linked to needs not yet satisfied by the market, and examine, with the aim of reducing, any obstacles to such measures,
- strengthen the role of the public employment services at all levels in identifying local employment opportunities and improving the functioning of local labour markets.

Tax reforms for employment and training

It is important to deepen the examination of the employment impact of the tax burden, and make the taxation system more employment friendly by reversing the long-term trend towards higher taxes and charges on labour. The employment impact of tax systems should be further examined. Tax reforms must also take into account the need to increase investment in people, by business, public authorities and individuals themselves, in view of the longer term impact on employment and competitiveness.

12. Each Member State will:

- set a target, if necessary and taking account of its present level, for gradually reducing the overall tax burden and, where appropriate, set a target for gradually reducing both the fiscal pressure on labour, and on non-wage labour costs, in particular on relatively unskilled and low-paid labour. Such reforms should be undertaken without jeopardising public finances or the long-term sustainability of social security systems,
- provide incentives and remove tax obstacles to investment in human resources,
- examine the practicability of, and options for, using alternative sources of tax revenue, *inter alia* energy and pollutant emissions, taking into account the experience with environmental tax reforms in several Member States.

III. ENCOURAGING ADAPTABILITY OF BUSINESSES AND THEIR EMPLOYEES

The opportunities created by the knowledge-based economy and the prospect of an improved level and quality of employment require a consequent adaptation of work organisation and the contribution to the implementation of lifelong learning strategies by all actors including enterprises, in order to meet the needs of workers and employers.

Modernising work organisation

In order to promote the modernisation of work organisation and forms of work, which *inter alia* contribute to improvements in quality in work, a strong partnership should be developed at all appropriate levels (European, national, sectoral, local and enterprise levels).

13. The social partners are invited:

- to negotiate and implement at all appropriate levels agreements to modernise the organisation of work, including flexible working arrangements, with the aim of making undertakings productive, competitive and adaptable to industrial change, achieving the required balance between flexibility and security, and increasing the quality of jobs. Subjects to be covered may, for example, include the introduction of new technologies, new forms of work and working time issues such as the expression of working time as an annual figure, the reduction of working hours, the reduction of overtime, the development of part-time working, access to career breaks, and associated job security issues, and
- within the context of the Luxembourg process, to report annually on which aspects of the modernisation of the organisation of work have been covered by the negotiations as well as the status of their implementation and impact on employment and labour market functioning.

14. Member States will, where appropriate in partnership with the social partners or drawing upon agreements negotiated by the social partners:

- review the existing regulatory framework, and examine proposals for new provisions and incentives to make sure they will contribute to reducing barriers to employment, to facilitate the introduction of modernised work organisation and to help the labour market adapt to structural change in the economy,
- at the same time, taking into account the fact that forms of employment are increasingly diverse, examine the possibility of incorporating in national law more flexible types of contract, and ensure that those working under new flexible contracts enjoy adequate security and higher occupational status, compatible with the needs of business and the aspirations of workers,
- endeavour to ensure a better application at workplace level of existing health and safety legislation by stepping up and strengthening enforcement, by providing guidance to help enterprises, especially SMEs, to comply with existing legislation, by improving training on occupational health and safety, and by promoting measures for the reduction of occupational accidents and diseases in traditional high risk sectors.

Supporting adaptability in enterprises as a component of lifelong learning

In order to renew skill levels within enterprises as a key component to lifelong learning:

15. The social partners are invited, at all relevant levels, to conclude agreements, where appropriate, on lifelong learning to facilitate adaptability and innovation, particularly in the field of information and communication technologies. In this context, the conditions for giving every worker the opportunity to achieve information society literacy by 2003 should be established.

IV. STRENGTHENING EQUAL OPPORTUNITIES POLICIES FOR WOMEN AND MEN

Gender mainstreaming approach

In order to meet the objective of equal opportunity and reach the target of an increased employment rate for women in line with the conclusions of the Lisbon European Council, Member States' policies towards gender equality should be strengthened and should address all relevant conditions, such as men assuming domestic responsibilities, which may influence women's decisions to take up employment.

Women still face particular problems in gaining access to employment, in career advancement, in earnings and in reconciling professional and family life. It is therefore important, *inter alia*:

- to ensure that active labour market policies are made available for women in proportion to their share of unemployment,
- to pay particular attention to the gender impact of tax and benefit systems. Wherever tax-benefit structures are identified that impact negatively on women's participation in the labour force, they should be reviewed,
- to pay particular attention to ensuring the application of the principle of equal pay for equal work or work of equivalent value,
- to give particular attention to obstacles which hinder women who wish to set up new businesses or become self-employed, with a view to their removal,
- to ensure that both men and women are able to benefit positively from flexible forms of work organisation, on a voluntary basis and without loss of job quality,
- to ensure the conditions for facilitating the access of women to education, continuing training and lifelong learning, in particular to access to training and the necessary qualifications for careers in information technology.

16. Therefore, the Member States will adopt a gender-mainstreaming approach in implementing the guidelines across all four pillars:

- developing and reinforcing consultative systems with gender equality bodies,
- applying procedures for gender impact assessment under each guideline,
- developing indicators to measure progress in gender equality in relation to each guideline.

In order meaningfully to evaluate progress, Member States will need to provide for adequate data collection systems and procedures and ensure a gender breakdown of employment statistics.

Tackling gender gaps

Member States and the social partners should pay attention to the imbalance in the representation of women or men in certain economic sectors and occupations, as well as to the improvement of female career opportunities. In this regard, a wide range of choices in education and training is essential from the earliest stage.

17. Member States will, where appropriate with the social partners:

- strengthen their efforts to reduce the gap in unemployment rates between women and men by actively supporting the increased employment of women, and consider setting national targets in accordance with the objectives set out in the conclusions of the Lisbon European Council,
- take action to bring about a balanced representation of women and men in all sectors and occupations and at all levels,
- initiate positive steps to promote equal pay for equal work or work of equal value and to diminish differentials in incomes between women and men: actions to address gender pay gaps are necessary in the public and private sector, and the impact of the policies on gender pay gaps should be identified and addressed,
- consider an increased use of measures for the advancement of women in order to reduce gender gaps.

Reconciling work and family life

Policies on career breaks, parental leave and part-time work, as well as flexible working arrangements which serve the interests of both employers and employees, are of particular importance to women and men. Implementation of the various directives and social-partner agreements in this area should be accelerated and monitored regularly. There must be an adequate provision of good quality care for children and other dependants in order to support the entry of women and men into, and their continued participation in, the labour market. An equal sharing of family responsibilities is crucial in this respect. Those returning to the labour market after an absence may also have outmoded skills, and experience difficulty in gaining access to training. Reintegration of women and men into the labour market after an absence must be facilitated. In order to strengthen equal opportunities:

18. Member States and the social partners will:

- design, implement and promote family-friendly policies, including affordable, accessible and high-quality care services for children and other dependants, as well as parental and other leave schemes,
 - consider setting a national target, in accordance with their national situation, for increasing the availability of care services for children and other dependants,
 - give specific attention to women, and men, considering a return to the paid workforce after an absence and, to that end, they will examine the means of gradually eliminating the obstacles to such return.
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COUNCIL RECOMMENDATION
of 18 February 2002
on the implementation of Member States' employment policies

(2002/178/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Commission Recommendation of 12 September 2001,

Having regard to the joint opinion of the Employment Committee and the Economic Policy Committee,

Whereas:

- (1) The Council adopted the employment guidelines for 2001 by the Decision of 19 January 2001 ⁽¹⁾.
- (2) The Lisbon European Council on 23 and 24 March 2000 agreed on a comprehensive strategy towards employment, economic reform and social cohesion and made a commitment to creating the conditions for full employment. Targets for employment rates to be reached by 2010 were accordingly set and further complemented by the Stockholm European Council on 23 and 24 March with intermediate targets for 2005 and a new target for increasing the employment rate among older women and men by 2010.
- (3) The Nice European Council on 7, 8 and 9 December 2000 approved the European Social Agenda, which states that the return to full employment involves ambitious policies in terms of increasing employment rates, reducing regional gaps, reducing inequality and improving job quality.
- (4) The Council adopted the Recommendation on the broad economic policy guidelines on 15 June 2001, and the Amsterdam European Council of 16 and 17 June 1997 agreed on a Resolution on a Stability and Growth Pact setting commitments by Member States.
- (5) Member States should implement this Recommendation in a way which is consistent with the broad economic policy guidelines, and in particular the labour market part thereof.
- (6) The 2001 Joint Employment Report, prepared jointly with the Commission, describes the employment situation in the Community and examines the action taken by Member States in implementing their employment policy in line with the 2001 employment guidelines and

the Council Recommendation of 19 January 2001 on the implementation of Member States' employment policies ⁽²⁾.

- (7) The Council considers it appropriate, in the light of the examination of the implementation of the Member States' employment policies, to make recommendations. They should be used sparingly, concentrate on priority issues and be based on sound and accurate analysis.
- (8) In complementing action undertaken by the Member States with a view to contributing towards the achievement of full employment, the powers of the Member States should be respected.
- (9) The Council acknowledges the significant efforts already undertaken by Member States with a view to implementing the Employment Guidelines and the Recommendation of 19 January 2001. In the assessment of the impact of these policies, the multi-annual perspective of the employment guidelines should be taken into account.
- (10) Member States should articulate their envisaged response to the Guidelines under the four pillars in a coherent overall strategy aiming at full employment, recognising Member States' different starting positions, the development and implementation of comprehensive and coherent strategies for lifelong learning and a comprehensive partnership with the social partners. Due consideration should be given to gender mainstreaming and the need to reduce regional disparities and evaluate progress under all four pillars on the basis of indicators.
- (11) In order to influence the trend in youth and long-term unemployment, all young people should have the opportunity to gain entry to the world of work before they have been unemployed for six months and all the adult unemployed should be offered a new start before they have been unemployed for twelve months.
- (12) Member States should pursue the modernisation of their public employment services.
- (13) It is important to reduce disincentives to employment embodied in the tax or benefit systems in order to ensure higher participation rates amongst women and older workers.

⁽¹⁾ OJ L 22, 24.1.2001, p. 18.

⁽²⁾ OJ L 22, 24.1.2001, p. 27.

- (14) The development and implementation of lifelong learning, covering the development of systems for initial, secondary and tertiary education, further education and vocational training and the setting of national targets, is crucial to the development of a competitive and dynamic knowledge-based society and requires the active commitment of all actors concerned, including public authorities, the social partners and individuals, with a relevant contribution from civil society.
- (15) A coherent set of policies which promote social inclusion by supporting the integration of disadvantaged groups and individuals into the world of work, and combat discrimination in access to, and on the labour market is called for.
- (16) Improvements of the business environment and a better equipment of individuals for taking up entrepreneurial activities are needed to stimulate job creation by more and more dynamic enterprises. Framework conditions need to be developed to tap the potential for employment growth in the services sector.
- (17) Sustained job creation calls for more employment-friendly taxation systems in which the currently high burden on labour is shifted to alternative sources of fiscal revenue, such as energy and the environment.
- (18) Local action for employment significantly contributes to the achievement of the objectives of the European Employment Strategy.
- (19) The establishment of partnerships at all appropriate levels is crucial for the modernisation of the organisation of work and the promotion of the adaptability of undertakings and their employees.
- (20) Gender gaps in the labour market, particularly affecting employment, unemployment and pay, as well as gender segregation across sectors and occupations, require comprehensive mainstreaming strategies and measures to better reconcile work and family life,

HEREBY ISSUES to the individual Member States the recommendations set out in the Annex.

Done at Brussels, 18 February 2002.

For the Council

The President

M. ARIAS CAÑETE

ANNEX

I. BELGIUM

Problems in employment performance

The Belgian labour market improved in 2000 with an increase in the employment rate to 60,5 %, still markedly below the Lisbon target of 70 %. A further drop in the unemployment rate to 7 % (below the Community average of 8,2 %) was recorded and employment growth picked up to match the European Community average (1,8 %). However, long-standing challenges are only gradually being met:

- inflows into long-term unemployment are high and, despite a further decrease, the stock of long-term unemployed people — 3,8 % of the labour force in 2000 — is greater than the Community average,
- participation in employment amongst older workers is still the lowest in the European Community (at 26,3 %, 11,4 points below the Community average), while the rate amongst women, at 51,5 %, remains below the Community average,
- the tax burden on labour remains one of the highest in the Community,
- labour and skills shortages are apparent and a fully coherent and comprehensive lifelong learning strategy is not yet in place,
- regional disparities in unemployment remain considerable and point to inadequate labour mobility.

After due analysis, it appears that more efforts are required in response to the employment guidelines and recommendations concerning: implementation of a preventive policy, notably for adults; increasing the employment rate amongst older workers and women; reduction of the tax burden on labour; the development of lifelong learning; and increasing labour mobility between regions.

Belgium should therefore:

1. reduce inflows into long-term unemployment by taking decisive steps to implement an appropriate early intervention system for unemployed adults; examine the impact of the new personalised approach towards all unemployed young people;
2. take stronger action with a view to increasing the overall employment rate, notably for women and older workers. Belgium should, in particular, examine the impact of recent measures and consider further measures aimed at preventing the early withdrawal of workers from work, as well as incentives enhancing the capacity of older workers to remain at work;
3. pursue further measures to reduce the tax burden on labour so as to encourage employees to take up work and employers to create new jobs, and closely monitor the impact of measures already taken, including those related to the reduction of social security contributions;
4. reinforce, in cooperation with all actors concerned, the development and implementation of a comprehensive lifelong learning strategy to prevent skills shortages, to raise the attractiveness of technical and vocational education and to build a more solid foundation for the knowledge-based economy and society;
5. continue, together with the social partners, efforts to better combine security with greater labour market flexibility, and take concerted action to increase labour mobility between regions through the provision of labour market information and further improvements to the coordination of labour market policies.

II. DENMARK

Problems in employment performance

The labour market situation remains very favourable with the highest female employment rate in the European Community (71,6 %), one of the highest male employment rates (80,8 %) and one of the lowest unemployment rates (4,7 %). While Denmark exceeds the Lisbon targets, key challenges for Denmark are:

- the overall tax burden which — although declining — is still high. The small differences between benefits and low wage incomes have limited so far the effects from tax reforms on work incentives for low income groups,
- the tightening of the labour market in 2000, while a considerable part of the working age population is on early retirement or on social benefits, and the employment rate remains low amongst migrant workers.

After due analysis, it appears that further efforts are required in response to the employment guidelines and recommendations concerning: the reduction of the tax burden; and increasing labour market participation.

Denmark should therefore:

1. pursue and closely monitor implementation of on-going reforms to reduce the overall fiscal pressure on labour, in particular through lowering the high marginal effective tax rates on low and medium income earners;
2. pursue incentives to encourage yet more people to take up employment, particularly through further development of the inclusive labour market and further efforts towards the integration of migrant workers.

III. GERMANY

Problems in employment performance

Positive overall employment and unemployment trends over recent years were confirmed in 2000. While the overall employment rate of 65,3 % exceeds the European Community average, it remains 5 percentage points below the Lisbon target. The key challenges still facing Germany's labour market are:

- relatively slow decreases in long-term unemployment, which still accounts for 4 % of the labour force, with persistent regional differences, notably in unemployment rates, regions in the new *Länder* being particularly badly affected. While active labour market policies have been able to soften the impact of changes, the outcome of these policies in the eastern part of the country are mixed,
- the employment rate of people aged 55 to 64, at 37,3 %, which decreased slightly to below the Community average,
- the need for modernising work organisation and for a continuing substantial and lifelong learning effort to overcome skill gaps and to enhance generally the qualification level of the labour force,
- despite on-going reforms, the still high overall tax burden on labour,
- a high gender pay gap, according to available data, and relatively few childcare facilities.

After due analysis, it appears that more efforts are required in response to the employment guidelines and recommendations concerning: preventive policies; increasing older people's labour market participation; lifelong learning; the tax burden on labour; and equal opportunities.

Germany should therefore:

1. in order to substantially reduce long-term unemployment, devote additional effort to the prevention of inflows into long-term unemployment, particularly in the eastern part of the country and in respect of ethnic minorities and migrant workers, and increase the effectiveness of active labour market policies;
2. continue to remove obstacles and disincentives liable to discourage labour market participation amongst older workers and other groups at risk; examine and report on the effectiveness of initiated and agreed actions and adopt further measures to improve the employability of workers above 55 years of age;
3. take measures, where appropriate in the framework of the 'Alliance for Jobs', to make work contracts and work organisation more flexible; tackle skill gaps in the labour market through the implementation of agreed improvements for initial and continuing training, and through further developing a comprehensive strategy for lifelong learning supported by qualitative and quantitative targets. The social partners and the Government, each in its field of competence, are invited to strengthen their efforts to raise the quality of continuing training and to set up systems for the accreditation and recognition of formal and non-formal learning;
4. pursue efforts to reduce taxes and social security contributions at the lowest end of the wage scale to make work pay and to enhance viable and acceptable employment prospects; examine and report on the impact of measures undertaken;
5. strengthen action to reduce the gender pay gap and address the impact of the tax and benefit system on women's employment; promote the availability of childcare facilities and improve their correspondence with working hours and school schedules. The implementation of these policies, involving the respective actors at all levels, should be monitored with appropriate verifiable indicators and targets.

IV. GREECE

Problems in employment performance

Greece still has one of the lowest employment rates in the European Community (55,6 % overall and 40,9 % for women, well below the Lisbon targets). Unemployment has now stabilised at 11 % — well above the Community average — with growth in employment outweighed by long-term structural increases in the labour force. Long-term unemployment has been reduced to 6,2 % but remains significantly higher than the Community average. This situation reflects the following structural problems in the labour market:

- the low employment rate, while there is still unexploited job-creation potential in its small and medium-sized enterprises (SME) and services-based economy,
- against the background of high youth, female and long-term unemployment, the public employment services do not deliver yet a preventive and personalised approach. Despite efforts to monitor flow statistics, a comprehensive system is not yet available,
- in the context of low employment rates, the tax system as well as rules on pension entitlements should be reviewed in order to increase labour supply,
- educational reforms include steps to develop lifelong learning, but there is still no clear overall strategy, and education and vocational training systems need further improvement,
- while the recent labour market reforms constitute an important move towards modernisation of work, there is room for further improvement. Success in this field will require the active involvement of the social partners,
- there are wide gender gaps in employment and unemployment which should be addressed *inter alia* by increased provision of childcare facilities.

After due analysis, it appears that further efforts are required in response to the employment guidelines and recommendations concerning: the overall policy approach; prevention of unemployment; tax-benefit reform; lifelong learning; the modernisation of work organisation; and gender mainstreaming.

Greece should therefore:

1. improve the strategic framework, in particular by developing a set of well coordinated and balanced policies for the implementation of the employment guidelines across the four pillars with a view to increasing the employment rate, in particular for women and young people;
2. speed up the restructuring of the public employment services and take decisive and coherent action to prevent young and adult unemployed people from drifting into long-term unemployment through *inter alia* swift implementation of the personalised approach; further upgrade the statistical system so that indicators on prevention and activation are available in good time and progress can be effectively monitored;
3. examine and eliminate distortions arising from labour taxes and pension entitlements, thus improving incentives to work;
4. further develop and implement a comprehensive strategy on lifelong learning, including the setting of targets; increase investment in and further improve education and vocational training systems, including apprenticeship, in order to enhance the skills of the labour force and meet the needs of the labour market;
5. ensure the full implementation of the recent labour market reform package, in close cooperation with the social partners; in this context, the social partners should make further commitments on the modernisation of work organisation, while seeking an appropriate balance between flexibility and security;
6. take effective and comprehensive action to reduce the employment and unemployment gender gaps. To this end, care facilities for children and other dependants should be extended.

V. SPAIN

Problems in employment performance

Spain has been experiencing steady and positive economic and employment growth over recent years, but serious challenges remain:

- unemployment is still very high at 14,1 %, despite a significant decline since 1996. Long-term unemployment has also declined, but women remain particularly badly affected by unemployment,
- the employment rate of 55 %, though on the increase, is among the lowest in the European Community and far below the Lisbon target. Although the female employment rate has been steadily increasing, at 40,3 % it is still one of the lowest in the Community. Gender gaps in both employment and unemployment (29,6 and 10,8 percentage points respectively) are among the highest in the Community,
- while levels of educational attainment and participation in further learning are low, a fully coherent and comprehensive approach to lifelong learning is not yet in place,
- employment under fixed term contracts is high; most of these temporary contracts are of short duration and tend to be taken predominantly by women and young people,
- regional disparities are wide, while geographical mobility is very low.

After due analysis, it appears that more efforts are required in response to the employment guidelines and recommendations concerning: activation and prevention of unemployment; gender mainstreaming; lifelong learning; adaptability; and regional disparities.

Spain should therefore:

1. complete the modernisation of the public employment services so as to improve its efficiency, and step up implementation of the preventive approach, particularly with regard to the adult unemployed, so as to cover all potential beneficiaries. These efforts should include the completion of the statistical monitoring system;
2. take effective and comprehensive action to increase the overall employment rate and to close gender gaps in employment and unemployment. As part of a gender mainstreaming approach, targets for the provision of care facilities for children and other dependants should be adopted and implemented;
3. vigorously complete reforms on vocational training to encompass a comprehensive and coherent strategy on lifelong learning, including the setting of verifiable targets, with a view to increasing the levels of educational attainment and the participation of adults in education and training, addressing the low level of skills and developing non-formal learning;
4. further modernise the labour market and work organisation with the active involvement of the social partners with a view to reducing the high share of fixed-term contracts, and increasing the use of part-time contracts;
5. improve the conditions conducive to employment creation in regions lagging behind and eliminate obstacles to labour mobility, with a view to reducing regional disparities in employment and unemployment.

VI. FRANCE

Problems in employment performance

The employment situation continues to improve. At 62,2 %, the overall employment rate is close to the European Community average, whilst the female employment rate exceeds that average.

However, significant structural problems persist:

- the employment rate of people aged 55 to 64 rose in 2000 but remains considerably lower than the Community average (29,7 % compared to 37,7 %),
- despite some progress, the marginal effective tax rate is still relatively high,
- the unemployment rate continues to exceed the Community average (9,5 % compared to 8,2 %) thus necessitating the pursuit and evaluation of programmes that implement the preventive approach,
- the modernisation of work organisation needs to be pursued; the implementation of working time legislation constitutes an important new challenge for small enterprises,
- lifelong learning must be promoted and the social dialogue must be strengthened in this area.

After due analysis, it appears that more efforts are required in response to the employment guidelines and recommendations concerning: increasing older people's labour market participation; efforts to reduce the tax burden on labour; the prevention of unemployment; the implementation of legislation on the 35 hour working week; and lifelong learning.

France should therefore:

1. strengthen efforts to curb older workers' early withdrawal from working life by developing a more comprehensive approach towards active ageing involving the social partners;
2. building on recent tax-benefit reforms, continue implementing and monitoring the impact of policy measures designed to encourage workers to seek and remain in work, particularly measures with an effect on low-skilled and low-paid workers;
3. pursue implementation of personalised and early intervention schemes for the unemployed; examine the effectiveness of and report on the implementation of the personalised action plans for a new start initiative; evaluate the medium term impact of on-going efforts to create new job opportunities for young people;
4. intensify efforts to modernise work organisation with a view to better combining security with greater adaptability to facilitate access to employment; closely monitor the net effects of the implementation of the 35 hour working week legislation, especially on small businesses;
5. pursue efforts within the framework of the social dialogue to improve the efficiency of the continuous training system and to promote a comprehensive lifelong learning strategy.

VII. IRELAND

Problems in employment performance

Ireland's economic and employment performance has been very good. In 2000 the overall employment rate at 65,1 % was higher than the European Community average for the second year running and the already low unemployment rates continued to fall for all groups. These developments indicate a further tightening of the labour market and some structural problems still exist:

- whilst labour supply shortages have increased in recent years and have fuelled wage inflation pressures, the employment rate for women (despite recent increases) has only just reached the Community average (54 %) and the gender gap in employment remains high,
- in this context, further effort is also needed to boost the low rates of participation in further learning, especially amongst those in employment,
- considerable regional disparities — in employment and unemployment rates but also educational levels and earnings — risk impeding sustained and balanced development.

After due analysis, it appears that continued efforts are required in response to the employment guidelines and recommendations concerning: increasing labour market participation rates, particularly amongst women; lifelong learning, especially in-company training; and regional disparities.

Ireland should therefore:

1. pursue further its comprehensive strategy to increase labour supply and employment rates. Particular efforts should be undertaken to mobilise and integrate further into the labour market economically inactive people, in particular women, by removing tax barriers, increasing the number of affordable childcare places and taking action with the aim of reducing the gender pay gap;
2. pursue efforts to sustain productivity growth and upgrade skills and qualifications in the workforce, through increased emphasis on in-company training and the further development of lifelong learning, including the setting of overall targets, and in this respect promote active involvement of the social partners in implementing the programme for prosperity and fairness;
3. in the context of the spatial strategy programme, address imbalances in employment, unemployment, job creation and human capital endowment between various areas in Ireland.

VIII. ITALY

Problems in employment performance

As in the previous year, employment increased and unemployment fell during 2000. However, these improvements leave several structural problems of the Italian labour market still unresolved:

- the low employment rate of 53,5 % is still some 10 percentage points below the European Community average and far below the Lisbon target. The employment rate for women (39,6 %) is the lowest in the Community and for older people it is one of the lowest in the Community (27,8 %),
- work organisation needs to be further modernised; the planned general review of the social benefit system was postponed for the second time,
- unemployment fell to 10,5 % but remains almost 2 percentage points above the Community average. Regional disparities remain significant with unemployment rates ranging from less than 5 % to over 20 %, despite recently recorded faster growth in the south,
- wide gender gaps in employment — at 27,9 percentage points — are characteristic of the labour market, particularly in the southern regions, and female unemployment, at 14,4 %, is almost double the male unemployment rate of 8,0 %,
- in a context of low levels of educational attainment and participation in further learning, improvements in the approach to lifelong learning are required, including as regards those in employment.

After due analysis, it appears that further efforts are required in response to the employment guidelines and recommendations concerning: the appropriate policy mix to favour employment growth, reduce regional imbalances and combat undeclared work; tax and benefit systems; activation and prevention of unemployment; gender mainstreaming and gender gaps; and lifelong learning.

Italy should therefore:

1. pursue policy reforms to sustain growth in employment rates, in particular for women and older workers. Such reforms should address regional imbalances by further strengthening employability policies, and by promoting job creation and the reduction of undeclared work, in partnership with the social partners;
2. continue to increase labour market flexibility with a view to better combining security with greater adaptability to facilitate access to employment; pursue the implementation of the reform of the pensions system through the review planned for 2001, and undertake the planned review of other benefit systems in order to reduce the outflow from the labour market; pursue efforts to reduce the tax burden on labour, especially on low-paid and low-skilled workers;
3. in the context of employability policies, take further action to prevent the inflow of young and adult unemployed people into long-term unemployment. Such action should include: the full implementation of the reform of the public employment services across the country, the speedy introduction of an employment information system, and strengthened efforts to upgrade the statistical monitoring system;

4. improve the effectiveness of active labour market policies and implement specific measures to reduce the wide gender gaps in employment and unemployment within an overall gender mainstreaming approach, and in particular by setting targets for the provision of care services for children and other dependants;
5. strengthen efforts towards the adoption and implementation of a coherent strategy on lifelong learning, including the setting of national targets; social partners should step up their efforts to provide more training opportunities for the work force.

IX. LUXEMBOURG

Problems in employment performance

In Luxembourg, the labour market is benefiting from a favourable environment supported by strong economic growth (8,5 %) and an increase in employment (5,5 %). At 2,4 %, the unemployment rate continues to be the lowest in the European Community. However, some structural problems persist:

- at 62,9 %, the employment rate continues to fall short of common objectives, despite the highly favourably employment situation. The latter results, however, in large part from a high level of cross-border working. Activity rates are particularly low amongst older workers (27,4 %) and women (50,3 %) though both figures have been on the increase since 1996,
- the gender employment gap — 24,8 percentage points — remains one of the highest in the Community,
- efforts underway in respect of continuing training must be pursued in order that the needs of a modern and dynamic economy be met.

After due analysis, it appears that more efforts are required in response to the employment guidelines and recommendations concerning: increasing labour market participation amongst older people and women; the coherence of lifelong learning policy.

Luxembourg should therefore:

1. further strengthen action aimed at significantly increasing labour market participation rates amongst workers over the age of 55 by reviewing early retirement and disability pension schemes;
2. strengthen efforts aimed at increasing labour market participation rates amongst women, by improving services to facilitate a better reconciliation of work and family life, by encouraging their return to work after long periods outside the labour market and by adopting measures to promote equality between men and women particularly as far as the gender pay gap is concerned;
3. ensure effective implementation of the framework law on continuous training, with strong involvement by the social partners, combat early school leaving and undertake a revision of the overall learning system with a view to achieving better coherence between the different education and training sectors.

X. THE NETHERLANDS

Problems in employment performance

Employment growth was healthy in 2000 and employment rates (73,2 % overall and 63,7 % for women) are well above the European Community averages and the Lisbon targets. The official unemployment rate continued to fall in 2000, to less than 3 %, which is significantly below the Community average. However, a key structural imbalance characterises the labour market:

- despite emerging labour market shortages, the labour force is constrained by the high proportion of the working age population drawing on disability, unemployment or welfare benefits.

After due analysis, it appears that more efforts are required in response to the employment guidelines and recommendations concerning: labour supply and benefit reforms.

The Netherlands should therefore:

1. in addition to measures to decrease the inflow into disability benefits, develop effective policies to reintegrate people currently drawing on such benefits into jobs that take account of their remaining capacity to work;
2. in order to tap all possibilities of potential labour supply and reduce inactivity, address the cumulation of benefits, including local cost of living subsidies for low income recipients.

XI. AUSTRIA

Problems in employment performance

The Austrian labour market's performance improved last year, with an overall employment rate of 68,3 % (59,4 % for women) close to the targets set by the Lisbon Summit and well above the European Community average. Overall unemployment was reduced to 3,7 % in 2000 and, together with youth and long-term unemployment, is still among the lowest in the Community. Despite the overall good performance, structural problems remain in the labour market:

- in the context of ensuring an adequate labour supply in a tightening labour market, there is room to boost the participation of older and low-paid workers, as well as ethnic minorities and migrant workers,
- there is still a significant gender gap in employment and one of the highest pay gaps in the Community, requiring new measures to facilitate the reconciliation of work and family life. Childcare coverage rates are among the lowest in the Community and need to be extended,
- efforts are being made to define a comprehensive and coherent lifelong learning strategy in the 'Zukunftforum Weiterbildung', involving all relevant actors and through which quantitative targets on financing and participation will be developed, in accordance with the national legal framework.

After due analysis, it appears that more efforts are required in response to the employment guidelines and recommendations concerning: increasing labour market participation; gender gaps and childcare provision; and lifelong learning.

Austria should therefore:

1. develop policies to ensure an adequate labour supply in the future. In this context, Austria should pursue and extend the reform of tax and benefit systems to increase the participation of older workers and low skilled and low paid workers, and improve equal opportunities for ethnic minorities and migrant workers on the labour market;
2. develop a target-based strategy for narrowing the gender pay gap, in agreement with the social partners; promote at all levels action to reduce the gender gap in employment, by extending childcare facilities and promoting policies to facilitate the reconciliation of work and family life;
3. adopt and implement a comprehensive and coherent strategy on lifelong learning in agreement with all actors involved, which includes indicators and quantitative targets on financial resources and participation, in accordance with the national legal framework; this strategy should strengthen links between compulsory and higher education, initial and continuing training, and adult education.

XII. PORTUGAL

Problems in employment performance

With an overall employment rate of 68,3 %, the employment situation has further improved and come close to the Lisbon target. At 4,2 %, unemployment is among the lowest in the European Community and long-term unemployment is at a low level (2,7 %). However, the labour market suffers from structural weaknesses which require action:

- in the context of low levels of educational attainment and participation in further learning, as well as (despite a fall) the highest rates of early school leaving in the Community (43,1 %), improvements in the field of lifelong learning are required,
- further strong input from the social partners is needed to address the main challenges facing the Portuguese labour market, in particular the low skill level, the modernisation of work organisation and employment relations,
- Portugal has a good record in terms of its female employment rate, having now reached the 60 % target set at the Lisbon Summit. However, the Portuguese labour market displays one of the most pronounced gender imbalances in terms of employment across sectors in the Community.

After due analysis, it appears that more efforts are required in response to the employment guidelines and recommendations concerning: lifelong learning and skills; the partnership approach; and gender imbalance.

Portugal should therefore:

1. better articulate the lifelong learning strategy, by improving education and training systems in order avoid skill shortages, increase the supply of skilled labour and thus promote the creation of medium and highly skilled jobs and raise labour productivity;
2. pursue efforts to implement an approach based on partnership and support the concrete commitments of social partners, in particular in the areas of modernisation of work organisation and adaptation of employment relations, including labour regulations, carefully monitoring the implementation of the agreements already signed by the Government and the social partners;
3. pursue efforts to reconcile family and working life, in particular by extending childcare facilities, and examine new ways to promote a better gender balance at sectoral level.

XIII. FINLAND**Problems in employment performance**

While Finland has maintained strong employment growth over the past five years, reaching an overall employment rate (67,5 %) close to the Lisbon target and a female employment rate (64,4 %) in excess of the Community average and the Lisbon target, some major structural problems remain:

- the overall unemployment rate is still high at 9,8 %, with high youth and long-term unemployment rates among older workers giving particular cause for concern, as well as large regional differences in unemployment,
- Finland has a high female employment rate and well developed equal opportunities policies. However, the Finnish labour market displays one of the most pronounced gender imbalances in terms of employment across sectors and occupations in the European Community, as well as a considerable gender pay gap,
- Finland faces skills shortages in several sectors (both in high and low-skilled jobs) and in some regions; the outcome of active labour market programmes in terms of lasting integration on the labour market is mixed.

After due analysis, it appears further efforts are required in response to the employment guidelines and recommendations concerning: tax and benefit incentives to increase participation; the gender pay gap and gender imbalance; and regional disparities.

Finland should therefore:

1. continue to review tax and benefit schemes with a view to encouraging participation in the labour market and ensuring the availability of labour; in particular, strengthen efforts to reduce high marginal effective tax rates especially on low wage earners and to improve incentives in benefit schemes, especially pensions, for people to take up work and to stay in the labour force;
2. take appropriate action, in the context of a gender mainstreaming approach, to close the gender pay gap and continue taking action to improve the balance in representation between men and women across both occupations and sectors;
3. ensure the effectiveness of active labour market programmes with a view to combating unemployment and reducing regional disparities and labour market bottlenecks, focusing on the needs of the long-term and young unemployed.

XIV. SWEDEN**Problems in employment performance**

At 73 % and 71 % respectively, Sweden exceeds the Lisbon targets and has among the highest overall and female employment rates in the European Union. Overall unemployment fell to 5,9 % in 2000. However, a number of structural problems remain in the labour market:

- Sweden has taken a number of measures to reduce the number of people receiving benefits; however, the tax and benefit incentives to work could be further enhanced in line with the employment guidelines; the tax burden on labour is still high,
- Sweden has a high female employment rate and well developed equal opportunities policies. However, the Swedish labour market displays one of highest gender imbalances across sectors and occupations in the Community,
- some regional differences in unemployment persist and the labour market situation of ethnic minorities and migrant workers could be improved; the effectiveness of different types of active labour market policies is mixed.

After due analysis, it appears that further efforts are required in response to the employment guidelines and recommendations concerning: the tax burden on labour and tax-benefit incentives to work; gender imbalance; and the effectiveness of active labour market policies.

Sweden should therefore:

1. pursue reforms, including the setting of targets taking into account the national situation, to reduce the tax burden on labour in particular for low wage earners; pursue further the reforms of tax and benefit systems to promote work incentives;
2. pursue initiatives to tackle the current imbalance in representation between women and men (at both occupational and sectoral level), as part of the gender mainstreaming reforms begun in 1999;
3. ensure the effectiveness of the active labour market programmes, especially in relation to long-term unemployment, in this context paying particular attention to the needs of ethnic minorities and migrant workers.

XV. UNITED KINGDOM

Problems in employment performance

The United Kingdom saw further employment growth in 2000 and, at 77,8 % and 64,6 % respectively, the employment rates for men and women are well above the European Community average and the Lisbon targets. The unemployment rate continued to fall in 2000, to 5,5 %, below the Community average. However, important structural problems persist:

- at national level, despite increasing role and visibility, there is no general approach to social partners' involvement which therefore remains restricted to a number of specific issues,
- though diminishing, the gender pay gap and the current imbalance in representation between women and men (both occupational and sectoral) remain high compared to the Community averages; the provision of affordable childcare places, although it has started to improve, is important in this regard,
- inflows into long-term unemployment amongst young people and adults slowed only slightly in 2000 (to 16 % and 10 % respectively) and are still rather high. Inactivity, long-term unemployment and low employment rates are concentrated in households with no-one in work, certain regions and particular disadvantaged groups (single parents, certain ethnic minorities, male older workers, the disabled, and the low skilled),
- the low level of basic skills amongst the workforce is contributing to emerging skills gaps and to levels of labour productivity which, despite recent improvements, remain low.

After due analysis, it appears that further efforts are required in response to the employment guidelines and recommendations concerning: the partnership approach; gender imbalance; activation policies, especially for adults and disadvantaged groups; and the role of work-based training in tackling skill gaps.

The United Kingdom should therefore:

1. further foster social partnership at the national level, in particular to improve productivity and skills, and the modernisation of working life;
 2. strengthen efforts to reduce the gender pay gap and improve the balance in representation between women and men across occupations and sectors, by involving all relevant actors including the social partners and enabling monitoring with appropriate verifiable indicators and targets; further implement and monitor the impact of actions taken to improve the provision of affordable childcare facilities;
 3. reinforce active labour market policies for the adult unemployed before the 12 month point to supplement the support provided by the jobseekers' allowance benefit and schemes to improve job search effectiveness. Within this context, particular attention should be paid to groups facing particular problems in the labour market;
 4. reinforce current efforts to encourage and develop work-based training to address increasing workforce skill gaps and low levels of basic skills.
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