



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 11.12.2002
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2002/0292 (CNS)

Proposal for a

COUNCIL REGULATION

**amending Regulation (EC) No 1766/92 with regard to
the calculation of import duties on certain cereals**

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. On 26 July 2002, the Council authorised the Commission to notify the WTO that the European Community intended to amend the concessions for cereals falling within CN codes 1001 10 50 (durum wheat), 1001 90 95 (common wheat, other than spelt for sowing and durum wheat), 1002 00 00 (rye), 1003 00 50 (barley), 1005 (maize, other than maize from hybrid seed) and 1007 00 90 (sorghum, other than hybrid sorghum for sowing) set out in Schedule CXL annexed to the GATT and that it was willing to enter into negotiations and consultations with WTO members under Article XXVIII of the 1994 GATT agreement.
2. The Commission has conducted negotiations in consultation with the 133 Committee in accordance with the negotiating directives laid down by the Council.
3. Negotiations with the authorities of the United States and Canada, who have negotiating rights for products falling within CN codes 1001 90 95 (common wheat, other than spelt for sowing and durum wheat) and 1003 00 50 (barley), have been concluded in the form of an exchange of letters.
4. The application of these agreements makes it necessary to amend certain provisions of Regulation (EEC) No 1766/92.

Proposal for a

COUNCIL REGULATION

**amending Regulation (EC) No 1766/92 with regard to
the calculation of import duties on certain cereals**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the European Parliament²,

Whereas:

- (1) For the purposes of calculating import duty, Article 10(2) of Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals³ provides for a complementary, derogating mechanism for certain basic cereals.
- (2) This derogation has been abolished for average and poor quality wheat and for barley following the conclusion of the negotiations with the United States and Canada under Article XXVIII of the GATT, approved by Council Decisions .../...⁴ and .../...⁵.
- (3) Regulation (EEC) No 1766/92 should therefore be amended accordingly.

HAS ADOPTED THIS REGULATION:

Article 1

In Article 10 of Regulation (EEC) No 1766/92, paragraphs 2, 3 and 4 shall be replaced by the following:

- “2. Notwithstanding paragraph 1, the import duty on products covered by CN codes 1001 90 91, ex 1001 90 99, 1002, ex 1005 other than hybrid seed, and ex 1007 other than hybrid for sowing, shall be equal to the intervention price valid for such products on importation and increased by 55%, minus the cif import price applicable

¹ OJ C ..., ..., p. ...

² Opinion delivered on ...

³ OJ L181, 1.7.1992, p. 21. Regulation last amended by Regulation (EC) No 1666/2000 (OJ L 193, 29.7.2000, p. 1).

⁴ OJ L ..., ..., p. ...

⁵ OJ L ..., ..., p. ...

to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.

3. For the purposes of calculating the import charge referred to in paragraph 2 representative cif import prices shall be established for the products referred to in that paragraph. Such representative cif import prices shall be established on a regular basis.
4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 23.

The detailed rules shall in particular specify:

- (a) the minimum requirements for high quality common wheat,
- (b) the price quotations to be taken into consideration,
- (c) the possibility, where appropriate in specific cases, of giving operators the opportunity of knowing the charge applicable before the arrival of the consignments concerned.”

Article 2

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

It shall apply from 1 January 2003.

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

Done at Brussels,

For the Council
The President

FINANCIAL STATEMENT

FINANCIAL STATEMENT				
1. BUDGET HEADING: Article 100		APPROPRIATIONS: EUR 1 121,7 Mio		
2. TITLE: Proposal for a Council Regulation amending Regulation (EEC) No 1766/92 with regard to the calculation of import duties on certain cereals.				
3. LEGAL BASIS: Article 37 of the Treaty				
4. AIMS: To amend concessions with respect to certain cereals set out in Schedule CXL annexed to the GATT.				
5. FINANCIAL IMPLICATIONS		12 MONTH PERIOD (EUR million)	CURRENT FINANCIAL YEAR 2002 (EUR million)	FOLLOWING FINANCIAL YEAR 2003 (EUR million)
5.0 EXPENDITURE				
- CHARGED TO THE EC BUDGET (REFUNDS/INTERVENTIONS)		-	-	-
- NATIONAL AUTHORITIES				
- OTHER				
5.1 REVENUE		(1)	-	(1)
- OWN RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES)				
- NATIONAL				
		2004	2005	2006
5.0.1 ESTIMATED EXPENDITURE		-	-	-
5.1.1 ESTIMATED REVENUE		(1)	(1)	(1)
5.2 METHOD OF CALCULATION:				
6.0 CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET?				YES / NO
6.1 CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET?				YES / NO
6.2 WILL A SUPPLEMENTARY BUDGET BE NECESSARY?				YES / NO
6.3 WILL APPROPRIATIONS NEED TO BE ENTERED IN FUTURE BUDGETS?				YES / NO
OBSERVATIONS:				
(1) Since the tariff quotas are established for wheat, except for high quality wheat, and barley on the basis of real import quantities and the in-quota tariff rates fixed at the present level (i.e. before the entry into force of the Agreement), the effect on own resources should be neutral.				