COMMISSION REGULATION (EC) No 346/96

of 27 February 1996

amending Regulation (EC) No 1502/95 on rules of application (cereal sector import duties 1995/96 marketing year) for Council Regulation (EEC) No 1766/92

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 1863/95 [2], and in particular Article 10 (4) thereof,

Whereas, in application of the provisions of the agreement on the conclusion of negotiations under Article XXIV paragraph 6 of GATT 1994 between the European Community and the United States of America and Canada, the Community, in the light of the exceptional situation on the market forecast for the end of the 1995/96 wheat (common wheat and durum wheat) marketing year, has undertaken to make adjustments to the import arrangements for those products for the period from 1 January to 30 June 1996 in order to alleviate the current difficult situation on the market;

Whereas these adjustments to the import arrangements for wheat concern, firstly, the reduction of the import duty on standard high quality common wheat referred to in Article 2 (5) of Commission Regulation (EC) No 1502/95 [3], as last amended by Regulation (EC) No 2841/95 [4], and, secondly, the minimum vitreous grain content of durum wheat which is one of the quality standards to be met on importation referred to in Article 3 of that Regulation; whereas, therefore, Regulation (EC) No 1502/95 should be amended;

Whereas 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

Regulation (EC) No 1502/95 is hereby amended as follows:

1. The first subparagraph of Article 2 (5) is replaced by the following:

'Import duties shall be reduced at a flat rate of ECU 14 per tonne on standard high quality common wheat and ECU 8 per tonne on malting barley and flint maize provided the importer shows that a quality premium on the normal product price was paid.'

2. Article 2 (5) (c) is replaced by the following:

'(c) the importer lodging with the competent authority concerned a security of ECU 14 per tonne in the case of imports of standard high-quality common wheat and ECU 8 per tonne in the case of imports of malting barley and flint maize. The security shall be released on condition that the importer produces evidence of the specific final use warranting a quality premium over the price of the product referred to in (a). That evidence must prove to the satisfaction of the competent authorities in the Member State of importation that all the cereals imported have been processed into the product specified in the declaration referred to in (a) within the time limit referred to in (b). If the processing is carried out in a Member State other than that of importation, evidence of processing shall be provided by means of the T5 control copy.'

3. In Annex I, the figure '75,0' specified for durum wheat under CN code 1001 10 for classification standard No 4 (minimum vitreous grain percentage), is replaced by the figure '62,0'.

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 January 1996.

[1] OJ No L 181, 1. 7. 1992, p. 21.
[2] OJ No L 179, 29. 7. 1995, p. 1.
[3] OJ No L 147, 30. 6. 1995, p. 13.
[4] OJ No L 256, 26. 10. 1995, p. 10.

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

Done at Brussels, 27 February 1996.

For the Commission

Franz FISCHLER

Member of the Commission