COMMISSION REGULATION (EC) No 2104/2001

of 26 October 2001

amending Regulation (EC) No 1249/96 on rules of application (cereals sector import duties) 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 organisation of the market in cereals [1], as last amended by Regulation (EC) No 1666/2000 [2], and in particular Article 10(4) thereof,

Whereas:

(1) Article 4 of Commission Regulation (EC) No 1249/96 [3], as last amended by Regulation (EC) No 2015/2001 [4], provides for a difference of EUR 10 per tonne with regard to the calculation of the import duties on cereals imported overland or by river, or by sea on vessels from ports located in the Mediterranean, Black Sea or Baltic Sea. That difference is based on transport costs that are considerably less than those used for calculating import duties. On the basis of market information, it would appear that the advantage of proximity is offset by logistical disadvantages created by transport, storage and loading infrastructures and that, in practice, freight costs over the long term are equivalent. On the basis of experience, it appears that the existence of this supplementary import duty has the effect of creating flow difficulties to the market. The reduction of EUR 10 per tonne provided for in Article 4 should therefore be abolished. The situation will be reassessed before the next marketing year.

(2) Article 3 of and Annex I to Regulation (EC) No 1249/96 lay down the quality criteria to be respected on imports to the Community. Commission Regulation (EEC) No 1908/84 [5], as last amended by Regulation (EEC) No 2507/87 [6], laid down the reference methods for the determination of the quality of cereals. This Regulation was repealed as a consequence of the abolition of the standard qualities for cereals. It is therefore necessary to refer to the analytical methods laid down by Commission Regulation (EC) No 824/2000 of 19 April 2000 establishing procedures for the taking-over of cereals by intervention agencies and laying down methods of analysis for determining the quality of cereals [7].

(3) The footnote in Annex II lays down that where no quotation is available that can be used to calculate a representative cif import price, fob quotations publicly available in the United States of America may be used. However, that provision is difficult to apply, since internal transport costs in the USA cannot be taken into account. The footnote must therefore be amended to take account of those transport costs.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1249/96 is amended as follows:

1. Article 4(2) is replaced by the following:

'2. The representative cif import prices for durum wheat, barley, maize and, in the case of common wheat, for each standard quality shall be the sum of the components referred to in paragraph 1 (a), (b) and (c).

[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 272, 13.10.2001, p. 31.
[5] OJ L 178, 5.7.1984, p. 22.
[6] OJ L 235, 20.8.1987, p. 10.
[7] OJ L 100, 20.4.2000, p. 31.

In cases where third countries grant subsidies on exports of medium or low quality common wheat to European or Mediterranean basin countries so that world market prices can be undercut, the Commission may take account of those subsidies in establishing the representative cif price for importation into the Community.'

2. The first table in Annex I is replaced by the following table:

'Classification standards for imported products

(on the basis of a moisture content of 12 % by weight or equivalent)

Product	Common wheat and spelt (1) excluding meslin			Durum wheat			Flint maize	Maize other than flint	Other grains
CN code	1001 90			1001 10			1005 90 00	1005 10 90 and 1005 90 00	1002, 1003 and 1007 00 90
Quality (2)	High	Medium	Low	High	Medium	Low			
1. Minimum protein percentage	14,0	11,5	—	—	—	—	—	—	—
2. Minimum specific weight kg/hl	77,0	74,0	—	76,0	76,0	—	76,0	—	—
3. Maximum impurity percentage (*Schwarzbesatz*)	1,5	1,5	—	1,5	1,5	—	—	—	—
4. Minimum vitreous grain percentage	—	—	—	75,0	62,0	—	95,0	—	—
5. Maximum flotation index	—	—	—	—	—	—	25,0	—	—

(1) Including husked spelt.
(2) The methods of analysis laid down in Article 3 of Commission Regulation (EC) No 824/2000 (OJ L 100, 20.4.2000, p. 31) are applicable.'

3. The table in Annex II is replaced by the following:

'Quotation exchanges and reference varieties

Product	Common wheat			Durum wheat	Maize	Other feed grains
Standard quality	High	Medium	Low			
Reference variety (type/grade) for exchange quotation)	Hard Red Spring No 2	Hard Red Winter No 2	Soft Red Winter No 2	Hard Amber Durum No 2	Yellow Corn No 3	US Barley No 2
Quotation exchange	Minneapolis Grain Exchange	Kansas City Board of Trade	Chicago Board of Trade	Minneapolis Grain Exchange (1)	Chicago Board of Trade	Minneapolis Grain Exchange (2)

(1) Where no quotation is available that can be used to calculate a respresentative cif import price, fob quotations publicly available in the USA will be used.
(2) Where no quotation is available that can be used to calculate a respresentative cif import price, fob quotations publicly available in the USA will be used. In such cases, these quotations are increased by the amount corresponding to freight costs between the place of quotation and the Gulf of Mexico.'

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 9 November 2001.

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

Done at Brussels, 26 October 2001.

For the Commission

Franz FISCHLER

Member of the Commission