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COUNCIL REGULATION (EC) No 1784/2003
of 29 September 2003
on the common organisation of the market in cereals
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**COUNCIL REGULATION (EC) No 1784/2003****of 29 September 2003****on the common organisation of the market in cereals**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 36 and the third subparagraph of 37(2) thereof,

Having regard to the proposal from the Commission

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

Having regard to the opinion of the Committee of the Regions ⁽³⁾,

Whereas:

- (1) The operation and development of the common market for agricultural products should be accompanied by the establishment of a common agricultural policy to include, in particular, a common organisation of agricultural markets which may take various forms depending on the product.
- (2) The common agricultural policy pursues the objectives set out in the Treaty. In order to stabilise the markets and ensure a fair standard of living for the agricultural community in the cereals sector, it is necessary to provide for internal market measures comprising, in particular, an intervention system and a common import and export system.
- (3) Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽⁴⁾ has been substantially amended several times. In consequence of further amendments it should be repealed and replaced in the interests of clarity.
- (4) Regulation (EEC) No 1766/92 provides that a decision upon a final reduction in the intervention price for cereals to be applied as from the 2002/2003 marketing year onwards is to be taken in the light of market developments. It is important that prices on the internal market rely less on guaranteed prices. It is therefore appropriate to halve the monthly increment in order to improve market fluidity.
- (5) The introduction of a single intervention price for cereals has led to the accumulation of large intervention stocks of rye as a result of the lack of sufficient disposal outlets on internal and external markets. Rye should therefore be excluded from the intervention system.
- (6) The intervention agencies should be able, in special circumstances, to take intervention measures suited to those circumstances. In order that the required uniformity of intervention systems may be maintained, those special circumstances should be assessed and the appropriate measures determined at Community level.
- (7) In view of the special market situation for cereal and potato starch it may prove necessary to provide for production refund of such a nature that the basic products used by this industry can be made available to it at lower price than that resulting from the application of the common prices

⁽¹⁾ Opinion delivered on 5 June 2003 (not yet published in the Official Journal).

⁽²⁾ OJ C 208, 3.9.2003, p. 39.

⁽³⁾ Opinion delivered on 2 July 2003 (not yet published in the Official Journal).

⁽⁴⁾ OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Regulation (EC) No 1104/2003 (OJ L 158, 27.6.2003, p. 1).

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- (8) The creation of a single Community market for cereals involves the introduction of a trading system at the external frontiers of the Community. This trading system complementing the intervention system and including import duties and export refunds should, in principle, stabilise the Community market. The trading system should be based on the undertakings accepted under the Uruguay Round of multilateral trade negotiations. The export refund system is to be applied to processed products containing cereals to enable them to participate in the world market.
- (9) In order to monitor the volume of trade in cereals with third countries, provision should be made for an import and export licence scheme with the lodging of a security to ensure that the transactions for which such licences are requested are effected.
- (10) For the most part, the customs duties applicable to agricultural products under the World Trade Organisation (WTO) agreements are laid down in the common customs tariff. However, for some cereals, the introduction of additional mechanisms makes it necessary to adopt derogations.
- (11) In order to prevent or counteract adverse effects on the Community market which could result from imports of certain agricultural products, imports of one or more such products should be subject to payment of an additional import duty, if certain conditions are fulfilled.
- (12) It is appropriate, under certain conditions, to confer on the Commission the power to open and administer tariff quotas resulting from international agreements concluded in accordance with the Treaty or from other acts of the Council.
- (13) Provisions for granting a refund on exports to third countries, based on the difference between prices within the Community and on the world market, and falling within the limits set by the WTO Agreement on agriculture ⁽¹⁾, should serve to safeguard Community participation in international trade in cereals. Such export refunds should be subject to limits in terms of quantity and value.
- (14) Compliance with the limits in terms of value should be ensured at the time when the export refunds are fixed through the monitoring of payments under the rules relating to the European Agricultural Guidance and Guarantee Fund. Monitoring can be facilitated by the compulsory advance fixing of export refunds, while allowing the possibility, in the case of differentiated refunds, of changing the specified destination within a geographical area to which a single export refund rate applies. In the case of a change of destination, the export refund applicable to the actual destination should be paid, with a ceiling of the amount applicable to the destination fixed in advance.
- (15) Ensuring compliance with the quantity limits requires the introduction of a reliable and effective system of monitoring. To that end, the granting of export refunds should be made subject to an export licence. Export refunds should be granted up to the limits available, depending on the particular situation of each product concerned. Exceptions to that rule should only be permitted in the case of processed products not listed in Annex I to the Treaty, to which volume limits do not apply, and in the case of food-aid operations which are exempt from any limitation. Provision should be made for derogating from strict compliance with management rules where exports benefiting from export refunds are not likely to exceed the quantity ceilings laid down.
- (16) To the extent necessary for its proper working, provision should be made for regulating or, when the situation on the market so requires, prohibiting the use of inward and outward processing arrangements.

⁽¹⁾ OJ L 336, 23.12.1994, p. 22.

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- (17) The customs duty system makes it possible to dispense with all other protective measures at the external frontiers of the Community. The internal market and duty mechanism could, in exceptional circumstances, prove deficient. In such cases, in order not to leave the Community market without defence against disturbances that might ensue, the Community should be able to take all necessary measures without delay. All such measures should comply with the obligations arising from the WTO agreements.
- (18) Taking into account the influence of the world market price on the internal price, there should be provision for appropriate measures to be taken in order to stabilise the internal market.
- (19) The proper working of a single market based on common prices would be jeopardised by the granting of national aid. Therefore, the provisions of the Treaty governing State aid should apply to the products covered by this common market organisation.
- (20) As the common market in cereals is in continuous development, the Member States and the Commission should keep each other supplied with information relevant to these developments.
- (21) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾.
- (22) In view of the necessity to solve practical and specific problems, the Commission should be authorised to adopt necessary measures in cases of emergency.
- (23) Expenditure incurred by the Member States as a result of the obligations arising from the application of this Regulation should be financed by the Community in accordance with Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽²⁾.
- (24) The common organisation of the market in cereals should take proper and simultaneous account of the objectives set out in Articles 33 and 131 of the Treaty.
- (25) The change from the arrangements in Regulation (EEC) No 1766/92 to those provided for in this Regulation could give rise to difficulties, which are not dealt with in this Regulation. In order to deal with such difficulties, the Commission should be enabled to adopt transitional measures,

HAS ADOPTED THIS REGULATION:

CHAPTER I

INTRODUCTORY PROVISIONS

Article 1

The common organisation of the market in cereals shall comprise a scheme for an internal market and trade with third countries, and cover the following products:

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

⁽²⁾ OJ L 160, 26.6.1999, p. 103.

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	CN code	Description
(a)	0709 90 60	Sweet corn, fresh or chilled
	0712 90 19	Dried sweet corn, whole, cut, sliced, broken or in powder, but not further prepared, other than hybrid for sowing
	1001 90 91	Common wheat and meslin seed
	1001 90 99	Spelt, common wheat and meslin other than for sowing
	1002 00 00	Rye
	1003 00	Barley
	1004 00	Oats
	1005 10 90	Maize (corn) seed other than hybrid
	1005 90 00	Maize other than seed
	1007 00 90	Grain sorghum, other than hybrids for sowing
	1008	Buckwheat, millet and canary seed; other cereals
(b)	1001 10	Durum wheat
(c)	1101 00 00	Wheat or meslin flour
	1102 10 00	Rye flour
	1103 11	Groats and meal of wheat
	1107	Malt, whether or not roasted
(d)		The products listed in Annex I

Article 2

The marketing year for the products listed in Article 1 shall begin on 1 July and end on 30 June of the following year.

Article 3

This Regulation shall apply without prejudice to the measures provided for by Council Regulation (EC) No 1782/2003, of 29 September 2003, establishing common rules for direct support schemes under the common agricultural policy and support schemes for producers of certain crops ⁽¹⁾.

CHAPTER II

INTERNAL MARKET

Article 4

1. An intervention price for cereals subject to intervention shall be fixed at EUR 101,31/t.

The intervention price valid for maize and grain sorghum in May shall remain valid in July, August and September of the same year.

2. The intervention price shall refer to the wholesale stage for goods delivered to the warehouse, before unloading. It shall be valid for all Community intervention centres designated for each cereal.

3. The intervention price shall be subject to monthly increases in accordance with the table set out in Annex II.

4. The prices fixed in this Regulation may be changed in the light of developments in production and the markets in accordance with the procedure laid down in Article 37(2) of the Treaty.

⁽¹⁾ See page 1 of this Official Journal.



Article 5

1. The intervention agencies designated by the Member States shall buy in common wheat, durum wheat, barley, maize and sorghum which are offered to them and have been harvested in the Community, provided that the offers comply with conditions laid down, in particular in respect of quality and quantity.

2. Buying-in may take place only in the following intervention periods:

- (a) from 1 August to 30 April in the case of Greece, Spain, Italy, and Portugal;
- (b) from 1 December to 30 June in the case of Sweden;
- (c) from 1 November to 31 May in the case of the other Member States.

In the event of the intervention period in Sweden leading to the diversion of the products listed in paragraph 1 from other Member States into intervention in Sweden, detailed rules shall be adopted to rectify the position in accordance with the procedure referred to in Article 25(2).

3. Buying-in shall be carried out on the basis of the intervention price, if necessary after a price increase or reduction for quality reasons.

Article 6

Detailed rules for the application of Articles 4 and 5 shall be adopted in accordance with the procedure referred to in Article 25(2), in particular as regards:

- (a) the determination of the intervention centres;
- (b) the minimum conditions, in particular with respect to quality and quantity required of each cereal in order to be eligible for intervention;
- (c) the scales of price increase and reduction applicable to intervention;
- (d) the procedures and conditions for taking over by intervention agencies;
- (e) the procedures and conditions for disposal by intervention agencies.

Article 7

1. Where the market situation so dictates, special intervention measures may be taken. Such intervention measures may in particular be taken if, in one or more regions of the Community, market prices fall, or threaten to fall, in relation to the intervention price.

2. The nature and application of the special intervention measures and the conditions and procedures for the sale or for any other means of disposal of the products subject to those measures shall be adopted in accordance with the procedure referred to in Article 25(2).

Article 8

1. A production refund may be granted for starch obtained from maize, wheat or potatoes and for certain derivatives used in the manufacture of certain goods.

In the absence of a significant domestic production of other cereals for the production of starch, a production refund may be granted for starch obtained in Finland and Sweden from barley and oats, insofar as it does not entail an increase in the level of starch production from these two cereals, above:

- (a) 50 000 tonnes in Finland,
- (b) 10 000 tonnes in Sweden.

A list of the goods referred to in the first subparagraph shall be drawn up in accordance with the procedure referred to in Article 25(2).

2. The refund referred to in paragraph 1 shall be fixed periodically.

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3. The detailed rules for the application of this Article shall be adopted and the amount of the refund fixed in accordance with the procedure referred to in Article 25(2).

CHAPTER III

TRADE WITH THIRD COUNTRIES

Article 9

1. Imports into the Community, or exports therefrom, of any of the products listed in Article 1 shall be subject to presentation of an import or export licence. However, a derogation can be foreseen for products having no significant impact on the supply situation of the cereals market.

Licences shall be issued by the Member States to any applicant, irrespective of his place of establishment in the Community and without prejudice to measures taken for the application of Articles 12 to 17.

Import and export licences shall be valid throughout the Community. Such licences shall be issued subject to the lodging of a security guaranteeing that the products are imported or exported during the term of validity of the licence. Except in cases of force majeure, the security shall be forfeited in whole or in part if the import or export is not carried out, or is carried out only partially, within that period.

2. The term of validity of licences and other detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 25(2).

Section 1

Provisions applicable to imports*Article 10*

1. Unless this Regulation provides otherwise, the rates of import duty in the Common Customs Tariff shall apply to the products listed in Article 1.

2. Notwithstanding paragraph 1, the import duty on products covered by CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 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 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 duty referred to in paragraph 2 representative cif import prices shall be established on a regular basis for the products referred to in that paragraph.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 25(2).

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 to know the duty applicable before the arrival of the consignments concerned.

Article 11

1. Without prejudice to Article 10(2), in order to prevent or counteract adverse effects on the market of the Community which may result from imports of certain products listed in Article 1, imports of one or

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more of such products at the rate of duty laid down in Article 10 shall be subject to the payment of an additional import duty if the conditions to be determined by the Commission pursuant to paragraph 4 of this Article are fulfilled, unless the imports are unlikely to disturb the Community market, or where the effects would be disproportionate to the intended objective.

2. Imports made at a price below the level notified by the Community to the World Trade Organisation ('the trigger price') may be subject to an additional import duty.

If the volume of imports in any year in which the adverse effects referred to in paragraph 1 arise or are likely to arise exceeds a level based on market access opportunities defined as the percentage of the corresponding domestic consumption during the three previous years ('the trigger volume'), an additional import duty may also be imposed.

3. The import prices to be taken into consideration for imposing an additional import duty pursuant to the first subparagraph of paragraph 2, shall be determined on the basis of the cif import prices of the consignment under consideration.

Cif import prices shall be checked to that end against the representative prices for the product on the world market or on the Community import market for that product.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 25(2). Such detailed rules shall specify in particular the products to which additional import duties may be applied.

Article 12

1. Tariff quotas for imports of the products listed in Article 1 resulting from agreements concluded in accordance with Article 300 of the Treaty or from any other act of the Council shall be opened and administered by the Commission under detailed rules adopted in accordance with the procedure referred to in Article 25(2).

2. Tariff quotas shall be administered by applying one of the following methods or a combination of them:

- (a) a method based on the chronological order of the lodgement of applications ('first come, first served' principle);
- (b) a method of distribution in proportion to the quantities requested when the applications were lodged (using the 'simultaneous examination method');
- (c) a method based on taking traditional trade patterns into account (using the 'traditional/new arrival method').

Other appropriate methods may be adopted. They must avoid any unjustified discrimination between the operators concerned.

3. The method of administration adopted shall, where appropriate, give due weight to the supply requirements of the Community market and the need to safeguard the equilibrium of that market.

4. The detailed rules referred to in paragraph 1 shall provide for the annual tariff quotas, if necessary suitably phased over the year, shall determine the administrative method to be used and, where appropriate, shall include:

- (a) guarantees covering the nature, provenance and origin of the product;
- (b) recognition of the document used for verifying the guarantees referred to in point (a);
- (c) the conditions under which import licences shall be issued and their term of validity.

In the case of tariff quota for import into Spain of 2 000 000 tonnes of maize and 300 000 tonnes of sorghum and tariff quota for import into Portugal of 500 000 tonnes of maize, those detailed rules shall also include the provisions necessary for carrying out the tariff quota imports

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and, where appropriate, the public storage of the quantities imported by the intervention agencies of the Member States concerned and their disposal on the markets of those Member States.

Section 2

Provisions applicable to exports*Article 13*

1. To the extent necessary to enable the following products to be exported on the basis of quotations or prices for those products on the world market and within the limits resulting from agreements concluded in accordance with Article 300 of the Treaty, the difference between those quotations or prices and the prices in the Community may be covered by export refunds:

- (a) the products listed in Article 1 to be exported without further processing;
- (b) the products listed in Article 1 to be exported in the form of good listed in Annex III.

Export refunds on the products referred to in point (b) may not be higher than those applicable to such products exported without further processing.

2. The method to be adopted for the allocation of the quantities which may be exported with an export refund shall be the method which:

- (a) is most suited to the nature of the product and the situation on the market in question, allowing the most efficient possible use of the resources available, account being taken of the efficiency and structure of Community exports without creating discrimination between large and small operators;
- (b) is least cumbersome administratively for operators, account being taken of administration requirements;
- (c) precludes discrimination between the operators concerned.

3. Export refunds shall be the same for the whole Community. They may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary. Refunds shall be fixed in accordance with the procedure referred to in Article 25(2). Refunds may be fixed:

- (a) at regular intervals;
- (b) by invitation to tender for products in respect of which provision was made for that procedure in the past.

Export refunds fixed at regular intervals, may, if necessary, be amended in the interval by the Commission, at the request either of a Member State or on its own initiative.

Article 14

1. Export refunds on products listed in Article 1 and exported without further processing shall only be granted on application and on presentation of an export licence.

2. The export refund applicable to products listed in Article 1 exported without further processing shall be that applicable on the day of application for the licence and, in the case of a differentiated refund, that applicable on the same day:

- (a) for the destination indicated on the licence,
or, where appropriate
- (b) for the actual destination if this differs from the destination indicated on the licence. In that case, the amount applicable shall not exceed the amount applicable to the destination indicated on the licence.

Appropriate measures may be taken to prevent any abuse of the flexibility provided for in this paragraph.

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3. The scope of paragraphs 1 and 2 of this Article may be extended to apply to products listed in Article 1 that are exported in the form of goods listed in Annex III, in accordance with the procedure laid down in Article 16 of Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾. Detailed implementing rules shall be adopted in accordance with that procedure.

4. Derogations from paragraphs 1 and 2 of this Article may be granted in the case of products listed in Article 1 on which export refunds are paid under food-aid operations, in accordance with the procedure referred to in Article 25(2).

Article 15

1. Unless otherwise provided in accordance with the procedure referred to in Article 25(2), the refund on products listed in points (a) and (b) of Article 1 in accordance with article 14(2) shall be adjusted in line with the level of the monthly increases applicable to the intervention price and, where appropriate, changes in that price.

2. A corrective amount applicable to the export refunds may be set, in accordance with the procedure referred to in Article 25(2). However, where necessary, the Commission may amend the corrective amounts.

3. Paragraphs 1 and 2 of this Article may be applied, in whole or in part, to products listed in points (c) and (d) of Article 1 and to products listed in Article 1 and exported in the form of goods listed in Annex III. In that case, the adjustment referred to in paragraph 1 of this Article shall be corrected by applying to the monthly increase a coefficient expressing the ratio between the quantity of basic product and the quantity thereof contained in the processed product exported or used in the goods exported.

4. For the first three months of the marketing year, the refund applicable to exports of malt in storage at the end of the previous marketing year or made from barley in stock at that time shall be that which would have been applied in respect of the export certificate in question to exports during the last month of the preceding marketing year.

Article 16

Insofar as is necessary to take account of the features of production peculiar to certain spirituous beverages obtained from cereals, the criteria for granting export refunds referred to in Article 13(1), and the procedure for verification, may be adapted to suit this particular situation.

Article 17

Observance of the volume limits resulting from the agreements concluded in accordance with Article 300 of the Treaty shall be ensured on the basis of the export licences issued for the reference periods which apply to the products concerned. With regard to compliance with the obligations arising under the WTO Agreement on Agriculture, the expiry of a reference period shall not affect the validity of export licences.

Article 18

Detailed rules for the application of this Section, including the provisions on the redistribution of exportable quantities which have not been allocated or utilised, and in particular those concerning the adaptation referred to in Article 16, shall be adopted in accordance with the procedure referred to in Article 25(2).

Annex III shall be amended in accordance with the same procedure.

⁽¹⁾ OJ L 318, 20.12.1993, p. 18. Regulation as last amended by Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5).



Section 3

Common provisions*Article 19*

1. To the extent necessary for the proper working of the common organisation of the market in cereals, the Council, acting on a proposal from the Commission in accordance with the voting procedure laid down in Article 37(2) of the Treaty, may prohibit in whole or in part the use of inward or outward processing arrangements:

- (a) for products listed in Article 1 that are intended to be used in producing the products listed in points (c) and (d) of that Article; and
- (b) in special cases, for products listed in Article 1 that are intended to be used in producing goods listed in Annex III.

2. By way of derogation from paragraph 1 of this Article, if the situation referred to therein arises with exceptional urgency and the Community market is disturbed or is liable to be disturbed by the inward or outward processing arrangements, the Commission shall, at the request of a Member State or on its own initiative, decide on the necessary measures in accordance with the procedure referred to in Article 25(2). The Council and the Member States shall be notified of such measures, which shall be valid for no more than six months and shall be immediately applicable. If the Commission receives a request from a Member State, it shall take a decision thereon within a week following receipt of the request.

3. Measures decided on by the Commission may be referred to the Council by any Member State within a week from the date on which they were notified. The Council, acting by a qualified majority, may confirm, amend or repeal the Commission's decision.

If the Council has not acted within three months following the date on which it was referred to it, the Commission's decision shall be deemed to have been repealed.

Article 20

1. The general rules for the interpretation of the Combined Nomenclature and the detailed rules for its application shall apply to the tariff classification of products covered by this Regulation. The tariff nomenclature resulting from the application of this Regulation shall be incorporated into the Common Customs Tariff.

2. Unless otherwise provided for in this Regulation or in provisions adopted pursuant thereto, the following shall be prohibited in trade with third countries:

- (a) the levying of any charge having equivalent effect to a customs duty;
- (b) the application of any quantitative restriction or measure having equivalent effect.

Article 21

1. When the quotations or prices on the world market of one or more of the products listed in Article 1 reach a level that disrupts or threatens to disrupt the availability of supply on the Community market and where that situation is likely to continue and deteriorate, appropriate measures may be taken as a safeguard measure in case of extreme emergency.

2. The detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 25(2).

Article 22

1. If, by reason of imports or exports, the Community market in one or more of the products listed in Article 1 is affected by, or is threatened with, serious disturbance likely to jeopardise the achievement of the

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objectives set out in Article 33 of the Treaty, appropriate measures may be applied in trade with non-WTO member countries until such disturbance or threat of it has ceased.

2. If the situation referred to in paragraph 1 arises, the Commission shall, at the request of a Member State or on its own initiative, decide upon the necessary measures. The Member States shall be notified of such measures, which shall be immediately applicable. If the Commission receives a request from a Member State, it shall take a decision thereon within three working days following receipt of the request.

3. Measures decided on by the Commission may be referred to the Council by any Member State within three working days of the day on which they are notified. The Council shall meet without delay. It may, acting by a qualified majority, amend or repeal the measure in question within one month following the date on which it was referred to the Council.

4. Provisions adopted under this Article shall be applied having regard to the obligations arising from agreements concluded in accordance with Article 300(2) of the Treaty.

CHAPTER IV

GENERAL PROVISIONS

Article 23

Unless this Regulation provides otherwise, Articles 87, 88 and 89 of the Treaty shall apply to the production of and trade in the products listed in Article 1 of this Regulation.

Article 24

Member States and the Commission shall provide each other any information necessary for the application of this Regulation and for complying with the international obligations concerning cereals.

Detailed rules to determine which information is necessary as well as for its communication and distribution shall be adopted in accordance with the procedure referred to in Article 25(2).

Article 25

1. The Commission shall be assisted by a Management Committee for Cereals, hereinafter referred to as 'the Committee'.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its Rules of Procedure.

Article 26

The Committee may consider any question referred to it by its chairman, either on his own initiative or at the request of a representative of a Member State.

Article 27

Measures which are both necessary and justifiable in an emergency, in order to resolve practical and specific problems shall be adopted in accordance with the procedure referred to in Article 25(2).

Such measures may derogate from certain parts of this Regulation, but only to the extent that, and for such a period, as is strictly necessary.



Article 28

Regulation (EC) No 1258/1999 and the provisions adopted in implementation thereof shall apply to the expenditure incurred by the Member States in carrying out obligations under this Regulation.

Article 29

This Regulation shall be applied in the way that appropriate account is taken simultaneously of the objectives set out in Articles 33 and 131 of the Treaty.

CHAPTER V

TRANSITIONAL AND FINAL PROVISIONS

Article 30

1. Regulation (EEC) No 1766/92 is hereby repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex IV.

2. Transitional measures may be adopted in accordance with the procedure referred to in Article 25(2).

Article 31

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

It shall apply from the 2004/2005 marketing year.

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

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ANNEX I

The products referred to in Article 1(d)

CN code	Description
0714	Manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and similar roots and tubers with high starch or inulin content, fresh, chilled, frozen or dried, whether or not sliced or in the form of pellets; sago pith
ex 1102	Cereal flours other than of wheat or meslin:
1102 20	– Maize (corn) flour
1102 90	– Other:
1102 90 10	– – Barley flour
1102 90 30	– – Oat flour
1102 90 90	– – Other
ex 1103	Cereal groats, meal and pellets with the exception of groats and meal of wheat (subheading 1103 11), groats and meal of rice (subheading 1103 19 50) and pellets of rice (subheading 1103 20 50)
ex 1104	Cereal grains otherwise worked (for example, hulled, rolled, flaked, pearled, sliced or kibbled), except rice of heading 1006 and flaked rice of subheading 1104 19 91; germ of cereals, whole, rolled, flaked or ground
1106 20	Flour, meal and powder of sago, or of roots or tubers of heading 0714
ex 1108	Starches; inulin:
	– Starches:
1108 11 00	– – Wheat starch
1108 12 00	– – Maize (corn) starch
1108 13 00	– – Potato starch
1108 14 00	– – Manioc (cassava) starch
ex 1108 19	– – Other starches:
1108 19 90	– – – Other
1109 00 00	Wheat gluten, whether or not dried
1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel:
ex 1702 30	– Glucose and glucose syrup, not containing fructose or containing in the dry state less than 20 % by weight of fructose:
	– – Other:
	– – – Other:
1702 30 91	– – – – In the form of white crystalline powder, whether or not agglomerated
1702 30 99	– – – – Other:
ex 1702 40	– Glucose and glucose syrup, containing in the dry state at least 20 % but less than 50 % by weight of fructose, excluding invert sugar:
1702 40 90	– – Other
ex 1702 90	– Other, including invert sugar and other sugar and sugar syrup blends containing in the dry state 50 % by weight of fructose:
1702 90 50	– – Maltodextrine and maltodextrine syrup
	– – Caramel:
	– – – Other:
1702 90 75	– – – – In the form of powder, whether or not agglomerated
1702 90 79	– – – – Other
2106	Food preparations not elsewhere specified or included:
ex 2106 90	– Other

▼ **M1**

CN code	Description
	-- Flavoured or coloured sugar syrups:
	--- Other
2106 90 55	---- Glucose syrup and maltodextrine syrup
ex 2302	Bran, sharps and other residues, whether or not in the form of pellets, derived from the sifting, milling or other working of cereals
ex 2303	Residues of starch manufacture and similar residues, beet-pulp, bagasse and other waste of sugar manufacture, brewing or distilling dregs and waste, whether or not in the form of pellets:
2303 10	– Residues of starch manufacture and similar residues
2303 30 00	– Brewing or distilling dregs and waste
ex 2306	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of vegetables fats or oils, other than those of headings 2304 and 2305:
2306 70 00	– Of maize (corn) germ
ex 2308	Vegetable materials and vegetable waste, vegetable residues and by-products, whether or not in the form of pellets, of a kind used in animal feeding, not elsewhere specified or included:
2308 00 40	– Acorns and horse-chestnuts; pomace or marc of fruit, other than grapes
2309	Preparations of a kind used in animal feeding:
ex 2309 10	– Dog or cat food, put up for retail sale:
2309 10 11	– – Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup falling within subheadings 1702 30 51 to 1702 30 99, 1702 40 90, 1702 90 50 and 2106 90 55 or milk products ⁽¹⁾ except preparations and feedingstuffs containing 50 % or more by weight of milk products
2309 10 13	
2309 10 31	
2309 10 33	
2309 10 51	
2309 10 53	
ex 2309 90	– Other:
2309 90 20	– – Products referred to in additional note 5 to Chapter 23 of the Combined Nomenclature
	– – Other, including premixes:
2309 90 31	– – – Other, containing starch, glucose, glucose syrup, maltodextrine syrup falling within subheadings 1702 30 51 to 1702 30 99, 1702 40 90, 1702 90 50 and 2106 90 55, or milk products ⁽¹⁾ , excluding preparations and feedingstuffs containing 50 % or more by weight of milk products
2309 90 33	
2309 90 41	
2309 90 43	
2309 90 51	
2309 90 53	

⁽¹⁾ For the purposes of this subheading "milk products" means products falling within headings 0401 to 0406 as well as subheadings 1702 11, 1702 19 and 2106 90 51.

▼ **B***ANNEX II***Monthly increases in the intervention price referred to in Article 4(3)***(EUR/tonne)*

July	—
August	—
September	—
October	—
November	0,46
December	0,92
January	1,38
February	1,84
March	2,30
April	2,76
May	3,22
June	3,22



ANNEX III

The products referred to in Article 13(1)(b) and Article 19(1)(b)

CN code	Description
ex 0403	Buttermilk, curdled milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa:
0403 10	— Yoghurt:
0403 10 51 to 0403 10 99	— — Flavoured or containing added fruit, nuts or cocoa
0403 90	— Other:
0403 90 71 to 0403 90 99	— — Flavoured or containing added fruit, nuts or cocoa
ex 0710	Vegetables (uncooked or cooked by steaming or boiling in water), frozen:
0710 40 00	— Sweet corn
ex 0711	Vegetables provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption:
0711 90 30	— Sweet corn
ex 1704	Sugar confectionery (including white chocolate), not containing cocoa, except liquorice extract of subheading 1704 90 10
1806	Chocolate and other food preparations containing cocoa
ex 1901	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of headings Nos 0401 to 0404, not containing cocoa or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included:
1901 10 00	— Preparations for infant use, put up for retail sale
1901 20 00	— Mixes and doughs for the preparation of bakers' wares of heading No 1905
1901 90	— Other:
1901 90 11 to 1901 90 19	— — Malt extract
1901 90 99	— — — Other
ex 1902	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni; couscous, whether or not prepared:
	— Uncooked pasta, not stuffed or otherwise prepared:
1902 11 00	— — Containing eggs
1902 19	— — Other
ex 1902 20	— Stuffed pasta (whether or not cooked or otherwise prepared):
	— — Other:
1902 20 91	— — — Cooked
1902 20 99	— — — Other
1902 30	— Other pasta
1902 40	— Couscous
1903 00 00	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms
1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals (other than maize(corn)) in grain form, pre-cooked or otherwise prepared

▼B

CN code	Description
1905	Bread, pastry, cakes, tucuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products
ex 2001	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid: — Other:
2001 90 30	— — Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)
2001 90 40	— — Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch
ex 2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading No 2006: — Potatoes: — — Other:
2004 10 91	— — — In the form of flour, meal or flakes — Other vegetables and mixtures of vegetables:
2004 90 10	— — Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)
ex 2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading No 2006: — Potatoes: — — In the form of flour, meal or flakes — Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)
2005 20 10	— — In the form of flour, meal or flakes
2005 80 00	— Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)
ex 2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included: — Other, including mixtures other than those of subheading 2008 19: — — Other: — — — Not containing added spirit: — — — — Not containing added sugar:
2008 99 85	— — — — — Maize (corn), other than sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)
2008 99 91	— — — — — Yams, sweet potatoes and similar edible parts of plants, containing 5 % or more by weight of starch
ex 2101	Extracts, essences and concentrates of coffee, tea or maté and preparations with a basis of these products or with a basis of coffee, tea or maté; roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof: — — Preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:
2101 12 98	— — — Other
2101 20	— Extracts, essences and concentrates, of tea or maté, and preparations with a basis of these extracts, essences or concentrates, or with a basis of tea or maté:
2101 20 98	— — — Other
2101 30	Roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof: — — Roasted chicory and other roasted coffee substitutes:
2101 30 19	— — — Other — — Extracts, essences and concentrates of roasted chicory and other roasted coffee substitutes:
2101 30 99	— — — Other

▼B

CN code	Description
ex 2102	Yeasts (active or inactive); other single-cell micro-organisms, dead (but not including vaccines of heading No 3002); prepared baking powders:
	— Active yeasts
2102 10 31 and 2102 10 39	— — Bakers' yeast
2105 00	Ice cream and other edible ice, whether or not containing cocoa
ex 2106	Food preparations not elsewhere specified or included:
	— Other:
2106 90 10	— — Cheese fondues
	— — Other:
2106 90 92	— — — Containing no milk fats, sucrose, isoglucose, glucose or starch or containing, by weight, less than 1,5 % milk fat, 5 % sucrose or isoglucose, 5 % glucose or starch
2106 90 98	— — — Other
2202	Waters, including mineral waters and aerated water, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading No 2009
2205	Vermouth and other wine or fresh grapes flavoured with plants or aromatic substances
ex 2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol; spirits, liqueurs and other spirituous beverages:
	— Whiskies:
2208 30 32 to 2208 30 88	— — Other than Bourbon whiskey
2208 50	— Gin and Geneva
2208 60	— Vodka
2208 70	— Liqueurs and cordials
	— Other:
	— — Other spirits and other spirituous beverages, in containers holding:
	— — — 2 litres or less:
2208 90 41	— — — — Ouzo
	— — — — Other:
	— — — — — Spirits (excluding liqueurs):
	— — — — — Other:
2208 90 52	— — — — — — Korn
2208 90 54	— — — — — — Tequila
2208 90 56	— — — — — — Other
2208 90 69	— — — — — Other spirituous beverages
	— — — More than 2 litres:
	— — — — Spirits (excluding liqueurs):
2208 90 75	— — — — — Tequila
2208 90 77	— — — — — Other
2208 90 78	— — — — — Other spirituous beverages
2905 43 00	Mannitol
2905 44	D-glucitol (sorbitol)

▼B

CN code	Description
ex 3302	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used as raw materials in industry; other preparations based on odoriferous substances, of a kind used for the manufacture of beverages: — Of a kind used in the food or drink industries: — — Of a kind used in the drink industries: — — — Preparations containing all flavouring agents characterising a beverage: — — — — Other (of an actual alcoholic strength by volume not exceeding 0,5 %):
3302 10 29	— — — — — Other
ex Chapter 35	Albuminoidal substances; modified starches, glues; enzymes:
3505	Dextrins and other modified starches (for example, pregelatinised or esterified starches); glues based on starches, or on dextrins or other modified starches
ex 3809	Finishing agents, dye carriers to accelerate dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included:
3809 10	— With a basis of amylaceous substances
3824 60	Sorbitol other than that of subheading 2905 44



ANNEX IV

Correlation table

Regulation (EEC) No 1766/92	This Regulation
Article 1(1)	Article 1
Article 1(2)	—
Article 2	Article 2
—	Article 3
Article 3(1)	Article 4(1)
Article 3(2)	Article 4(3)
Article 3(3)	Article 4(2)
Article 3(4)	Article 4(4)
Article 4(1)	Article 5(1)
Article 4(2), first subparagraph, first indent	Article 5(2), first subparagraph (a)
Article 4(2), first subparagraph, second indent	Article 5(2), first subparagraph (b)
Article 4(2), first subparagraph, third indent	Article 5(2), first subparagraph (c)
Article 4(2), second subparagraph	Article 5(2), second subparagraph
Article 4(3)	Article 5(3)
Article 5, first indent	Article 6(a)
Article 5, second indent	Article 6(b)
Article 5, third indent	Article 6(c)
Article 5, fourth indent	Article 6(d)
Article 5, fifth indent	Article 6(e)
Article 6	Article 7
Article 7	Article 8
Article 8	—
Article 9	Article 9
Article 10	Article 10
Article 11	Article 11
Article 12(1)	Article 12(1)
Article 12(2), first subparagraph, first indent	Article 12(2), first subparagraph (a)
Article 12(2), first subparagraph, second indent	Article 12(2), first subparagraph (b)
Article 12(2), first subparagraph, third indent	Article 12(2), first subparagraph (c)
Article 12(2), second and third subparagraph	Article 12(2), second subparagraph
Article 12(3) and (4)	Article 12(3) and (4)
Article 13(1), (2) and (3)	Article 13(1), (2) and (3)
Article 13(4), (5), (6) and (7)	Article 14(1), (2), (3) and (4)
Article 13(8), first subparagraph	Article 15 (1)
Article 13(8), second and third subparagraph	Article 15(2)and (3)
Article 13(8), forth subparagraph	Article 15(4)
Article 13(9)	Article 16
Article 13(10)	Article 17
Article 13(11)	Article 18
Article 14(1), first indent	Article 19(1)(a)
Article 14(1), second indent	Article 19(1)(b)
Article 14(2) and (3)	Article 19(2) and (3)
Article 15(1)	Article 20(1)

▼**B**

Regulation (EEC) No 1766/92	This Regulation
Article 15(2), first indent	Article 20(2)(a)
Article 15(2), second indent	Article 20(2)(b)
Article 16	Article 21
Article 17(1), first subparagraph	Article 22(1)
Article 17(1), second subparagraph	—
Article 17(2), (3) and (4)	Article 22(2), (3) and (4)
Article 18	—
Article 19	Article 23
Article 20	—
Article 21, first sentence	Article 24(1)
Article 21, second sentence	Article 21(2)
Article 22	—
Article 23	Article 25
Article 24	Article 26
—	Article 27
—	Article 28
Article 25	Article 29
Article 26(1)	Article 30(1)
Article 26(2)	—
Article 26(3)	Article 32(2)
Article 27	Article 31
Annex A	Annex I
Annex B	Annex III
Annex C	Annex IV
Annex D	Annex II