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COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 1 July 2020

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

No. Cion doc.: C(2020) 4262 final

Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 1.7.2020 fixing a
flat-rate reduction for the import duty for sorghum in Spain imported from
third countries

Delegations will find attached document C(2020) 4262 final.

Encl.: C(2020) 4262 final



Brussels, 1.7.2020
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COMMISSION DELEGATED REGULATION (EU) .../...

of 1.7.2020

**fixing a flat-rate reduction for the import duty for sorghum in Spain imported from
third countries**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Within the context of the agreements concluded under the Uruguay Round of multilateral trade negotiations¹, the Union has committed to allowing Spain to import a quantity of 300 000 tonnes of sorghum per year. Such import flow is important for Spain, which is traditionally a net importer.

The EU has bound duties for all cereals set under the GATT agreement. However, for some cereals (in particular maize, rye and sorghum), the rates applied differ. The system originates in the Blair House Agreement between the United States and the EU and involves setting tariffs on the basis of individual world reference prices for specific cereal types. Regulation (EU) 642/2010² sets out the details of the implementation of that agreement, namely the method for the calculation of the import duties. This Regulation does not leave any margin for either the level of the duty or the date of fixing: the mechanism is triggered automatically.

On 27 April 2020, the European Commission was obliged to fix the import duty on maize, sorghum and rye at EUR 5.27 per tonne applicable from 27 April 2020. Since 5 May 2020, the duty has increased to EUR 10.40 per tonne.

Until the introduction of an import duty of more than zero for sorghum, 14% of the total quantity of 300 000 tonnes were imported into Spain.

In order to ease the import flow of the available balance of the quantities of sorghum to be imported into Spain until the end of the year 2020, it is necessary to apply a flat-rate reduction of the import duty for sorghum.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Delegates from the Expert Group for Agricultural Markets, in particular concerning aspects falling under the single CMO Regulation, subgroup arable crops, have been formally consulted in order to exchange views on this act and to take into account of the expertise of the national authorities.

The formal consultation took place in writing due to the cancellation of the meeting because of the coronavirus crisis (Covid-19).

This consultation process led to a broad consensus on the draft Delegated Regulation.

The experts of the European Parliament were informed about this written consultation.

¹ Council Decision of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986-1994) (OJ L 336, 23.12.1994, p. 1).

² Commission Regulation (EU) No 642/2010 of 20 July 2010 on rules of application (cereal sector import duties) for Council Regulation (EC) No 1234/2007 (OJ L 187, 21.7.2010, p. 5).

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The Delegated Act is based on Article 185 of Regulation (EU) No 1308/2013.

COMMISSION DELEGATED REGULATION (EU) .../...

of 1.7.2020

fixing a flat-rate reduction for the import duty for sorghum in Spain imported from third countries

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007³, and in particular Article 185 thereof,

Whereas:

- (1) Within the context of the agreements concluded under the Uruguay Round of multilateral trade negotiations⁴, the Union has committed to allowing Spain to import a quantity of 300 000 tonnes of sorghum per year.
- (2) Between 1 January 2020 and 26 April 2020, 43 069 tonnes of sorghum were imported into Spain. During that period, the import duty for sorghum was set at EUR 0 per tonne, in accordance with Commission Regulation (EU) No 642/2010⁵. Since 27 April 2020, and following the introduction of an import duty of more than zero for sorghum in accordance with that Regulation, 2 366 tonnes of sorghum have been imported into Spain.
- (3) To ensure that import quotas are fully used, Article 6 of Commission Regulation (EC) No 1296/2008⁶ provides that a reduction may be applied to the import duty fixed in accordance with Regulation (EU) No 642/2010.
- (4) In order to facilitate the import flow of sorghum in Spain until the end of the year 2020, it is necessary to apply a flat-rate reduction of 100 % to the import duty fixed in accordance with Regulation (EU) No 642/2010 as regards the quantities of sorghum to be imported into Spain under the tariff quota opened on 1 January 2020 in accordance with Regulation (EC) No 1296/2008,

³ OJ L 347, 20.12.2013, p. 671.

⁴ Council Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986-1994) (OJ L 336, 23.12.1994, p. 1).

⁵ Commission Regulation (EU) No 642/2010 of 20 July 2010 on rules of application (cereal sector import duties) for Council Regulation (EC) No 1234/2007 (OJ L 187, 21.7.2010, p. 5).

⁶ Commission Regulation (EC) No 1296/2008 of 18 December 2008 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal (OJ L 340, 19.12.2008, p. 57).

HAS ADOPTED THIS REGULATION:

Article 1

A flat-rate reduction of the import duty for sorghum, as referred to in Article 6 of Regulation (EC) No 1296/2008, is established at 100 % of the import duty for sorghum fixed in accordance with Regulation (EU) No 642/2010. This reduction shall apply to the available balance of the quantities of sorghum to be imported into Spain under the tariff quota opened on 1 January 2020 in accordance with Regulation (EC) No 1296/2008.

Article 2

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

It shall apply until 31 December 2020.

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

Done at Brussels, 1.7.2020

For the Commission
The President
Ursula VON DER LEYEN