Commission Regulation (EU) No 1038/2010 of 15 November 2010 fixing the import duties in the cereals sector applicable from 16 November 2010

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THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)[(1)],

Having regard to Commission Regulation (EU) No 642/2010 of 20 July 2010 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of import duties in the cereals sector[(2)], and in particular Article 2(1) thereof,

Whereas:

(1) Article 136(1) of Regulation (EC) No 1234/2007 states that the import duty on products falling within 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 hybrids for sowing, is to be equal to the intervention price valid for such products on importation 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.

(2) Article 136(2) of Regulation (EC) No 1234/2007 lays down that, for the purposes of calculating the import duty referred to in paragraph 1 of that Article, representative cif import prices are to be established on a regular basis for the products in question.

(3) Under Article 2(2) of Regulation (EU) No 642/2010, the price to be used for the calculation of the import duty on products of CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002 00, 1005 10 90, 1005 90 00 and 1007 00 90 is the daily cif representative import price determined as specified in Article 5 of that Regulation.

(4) Import duties should be fixed for the period from 16 November 2010 and should apply until new import duties are fixed and enter into force,

HAS ADOPTED THIS REGULATION:

Article 1

From 16 November 2010, the import duties in the cereals sector referred to in Article 136(1) of Regulation (EC) No 1234/2007 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

Article 2

This Regulation shall enter into force on 16 November 2010.

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

Done at Brussels, 15 November 2010.

For the Commission, On behalf of the President,

Jean-Luc DEMARTY

Director-General for Agriculture and Rural Development

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) No 1038/2010. (See end of Document for details)*

ANNEX I

IMPORT DUTIES ON THE PRODUCTS REFERRED TO IN ARTICLE 136(1) OF REGULATION (EC) NO 1234/2007 APPLICABLE FROM 16 NOVEMBER 2010

CN code	Description	Import duties[a](EUR/t)
1001 10 00	Durum wheat, high quality	0,0
	medium quality	0,0
	low quality	0,0
1001 90 91	Common wheat seed	0,0
ex 1001 90 99	High quality common wheat, other than for sowing	0,0
1002 00 00	Rye	0,0
1005 10 90	Maize seed other than hybrid	0,0
1005 90 00	Maize, other than seed[b]	0,0
1007 00 90	Grain sorghum other than hybrids for sowing	0,0

a For goods arriving in the Union via the Atlantic Ocean or via the Suez Canal the importer may benefit, under Article 2(4) of Regulation (EU) No 642/2010, from a reduction in the duty of:
— 3 EUR/t, where the port of unloading is on the Mediterranean Sea, or on the Black Sea,
— 2 EUR/t, where the port of unloading is in Denmark, Estonia, Ireland, Latvia, Lithuania, Poland, Finland, Sweden, the United Kingdom or the Atlantic coast of the Iberian peninsula.

b The importer may benefit from a flatrate reduction of EUR 24 per tonne where the conditions laid down in Article 3 of Regulation (EU) No 642/2010 are met.

ANNEX II

Factors for calculating the duties laid down in Annex I2.11.2010-12.11.2010

1. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

(EUR/t)

	Common wheat[a]	Maize	Durum wheat, high quality	Durum wheat, medium quality[b]	Durum wheat, low quality[c]	Barley
Exchange	Minnéapolis	Chicago	—	—	—	—
Quotation	219,39	161,99	—	—	—	—
Fob price USA	—	—	208,44	198,44	178,44	123,34

a Premium of 14 EUR/t incorporated (Article 5(3) of Regulation (EU) No 642/2010).

b Discount of 10 EUR/t (Article 5(3) of Regulation (EU) No 642/2010).

c Discount of 30 EUR/t (Article 5(3) of Regulation (EU) No 642/2010).