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Argentina raises a specific trade concern at the WTO regarding the EU's '*high-quality beef*' quota

Informed sources reported that, at the meeting of the WTO Committee on Technical Barriers to Trade (hereinafter, TBT Committee) held on 17-20 June, Argentina raised its concerns with respect to the EU's '*high-quality beef*' quota and, in particular, the requirements for access established under the EU's relevant framework. Argentina's concerns were reportedly directed at *Commission Implementing Regulation (EU) No. 481/2012 of 7 June 2012 laying down rules for the management of a tariff quota for high-quality beef* (hereinafter, Commission Regulation No. 481/2012). This measure implements *Council Regulation (EC) No. 617/2009 of 13 July 2009 opening an autonomous tariff quota for imports of high-quality beef* (hereinafter, Council Regulation No. 617/2009).

The EU's '*high-quality beef*' quota is an annual autonomous tariff quota for imports of '*high-quality fresh, chilled or frozen beef*' covered by the EU's Combined Nomenclature (CN) codes 0201, 0202, 020610.95 and 020629.91, opened through Council *Regulation No. 617/2009* following the conclusion of *Memoranda* of Understanding with the US and Canada, which intended to terminate the longstanding *EC – Hormones* dispute (see TradePerspectives, Issue No. 18 of 2 October 2009). The annual quantity of imports allowed under the quota currently amounts to 48,200 tonnes, with an in-quota *ad valorem* tariff rate set at 0%. Entry within this quota is subject to a number of conditions, which are established in Annex II of Commission Regulation No. 481/2012 and which concern the carcasses' age, feeding practices and a requirement that the carcasses be evaluated by an evaluator employed by the national government of the exporting country according to given procedures. Only meat products meeting these technical and procedural requirements may be imported into the EU within the '*high-quality beef quota*' and benefit from the favourable 0% in-quota duty rate.

Commission Regulation No. 481/2012 further provides that compliance with the requirements set forth in Annex II is to be certified by the exporting countries' authorities that have been authorised by the EU Commission to issue the certificates of authenticity, according to Article 5 of Commission Regulation No. 481/2012. In order to benefit from the favourable market access conditions established within the quota, beef products must be accompanied by such certificates of authenticity upon entry into the EU. Currently, in addition to Canada and the US, authorities from Australia, New Zealand and Uruguay have been authorised by the EU Commission to issue certificates of authenticity.

Before the TBT Committee, Argentina reportedly argued that, in spite of having engaged with the EU authorities and having followed the indications of the EU Commission to comply with the necessary conditions established under Commission Regulation No. 481/2012, its authorities have not yet been granted the authorisation to certify '*high-quality beef*' under the '*high-quality beef*' quota. As a result, Argentinean beef does not qualify for access to the EU market under the 0% rate, even if, as Argentina maintains, its beef products meet all the

specifications required. Argentina, therefore, has reportedly argued the existence of a violation of the most-favoured nation treatment and that the delay maintained by the EU Commission in authorising Argentinean authorities to certify '*high-quality beef*' constitutes an obstacle to trade, which is inconsistent with the WTO Agreement on Technical Barriers to Trade (hereinafter, TBT Agreement).

The TBT Agreement applies to technical regulations, standards, and conformity assessment procedures that are aimed at determining compliance with technical regulations and standards. In order for an instrument to be considered a technical regulation within the meaning of the TBT Agreement, the WTO Appellate Body in *EC – Sardines* clarified that the measure at stake must: (1) apply to an identifiable product or group of products; (2) lay down product characteristics; and (3) provide that compliance with the characteristics is mandatory. The requirements set forth in Annex II of Commission Regulation No. 481/2012 for beef products to enter the '*high-quality beef*' quota, may arguably constitute a technical regulation, inasmuch as they apply to an identifiable group of products (*i.e.*, beef products) and they lay down products characteristics compliance with which is mandatory in order to access the EU market under the preferential duty rate. Should Commission Regulation No. 481/2012 be considered a technical regulation and the TBT Agreement be deemed applicable, a potential violation of Articles 2.1 and 2.2 could be established. The first provision requires WTO Members not to discriminate among (*inter alia*) WTO Members in respect of technical regulations; the second requires that technical regulations not be prepared, adopted or applied with a view to, or with the effect of, creating unnecessary obstacles to trade. In addition, the requirement that the exporting countries' issuing authorities be authorised by the EU Commission may arguably result in a conformity assessment procedure. In this respect, the TBT Agreement provides for obligations similar to those that apply with respect to technical regulations. Should the authorisation requirement qualify as a *conformity assessment procedure* within the meaning of the TBT Agreement, a possible violation of Article 5.1.1 and 5.1.2 thereof may arguably be established.

A stronger and more clear-cut profile of WTO inconsistency, however, may be found under the GATT and, in particular, on the basis of the most-favoured nation obligation under Article I thereof. In fact, to the extent that Argentina were to be able to certify that its beef products meet the conditions set forth under Annex II of Commission Regulation No. 481/2012, an argument could be made that Argentina's beef products are being discriminated *vis-à-vis* those (which are '*like products*') originating from the countries whose certifying authorities have obtained the EU's authorisation. A similar conclusion was reached by the GATT Panel in *EEC – Beef*, which also concerned an EU concession for '*high-quality grain-fed fresh, chilled or frozen beef*' challenged by Canada, of which (*de facto* if not *de jure*) the US was the sole beneficiary. In addition, it could be argued that the delay of EU authorities in recognising Argentina's certificates may be inconsistent with Article 4.2 of the Agreement on Agriculture, to the extent that it results in a quantitative restriction impairing access to the quota, which is a measure '*of the kind which have been required to be converted into ordinary customs duties*', and with Article XI of the GATT, inasmuch as it may constitute a restriction imposed through '*any other measure*'. Lastly, a violation of the EU's obligations under Article X:3(a) of the GATT, which requires WTO Members to administer in a uniform, impartial and reasonable manner their laws, regulations, decisions and rulings, as well as of Article XIII of the GATT, requiring Members non to discriminate in the administration of (quantitative restrictions and) tariff-rate quotas, could also be argued.

The EU's '*high-quality beef*' quota is, in principle (*i.e.*, *de jure*), opened on an MFN basis. However, it appears that, inasmuch as this framework was established by the EU in order and with the specific (negotiated) intention to settle the WTO case on *EC – Hormones*, providing US and Canadian beef producers with '*compensation*' through new market access opportunities, the '*high-quality beef*' quota, in the way it is administered (*i.e.*, *de facto*), appears to result in a trade barrier and is tantamount to a discriminatory measure, which is

detrimental to certain suppliers competing with the US and Canadian operators. In this respect, it is noted that Argentina is currently among the major suppliers of beef to the EU, so that, its unfettered participation within the '*high-quality beef*' quota could undermine the market access opportunities granted to the US and Canada as a settlement of the WTO dispute. However, a WTO panel is likely to uphold Argentina's claims if any instance of discrimination is found in the way in which the '*high-quality beef*' quota is being administered by the EU. This test would be factual, as much as legal, in nature and the facts currently testify to a mechanism that appears to clearly discriminate against Argentina.

Regulatory convergence in the EU-US TTIP negotiations

On 14 June 2013, the EU Council adopted the mandate that enables the EU Commission to start negotiations with the US, aimed at the conclusion of the Transatlantic Trade and Investment Partnership (hereinafter, TTIP). The mandate includes an EU Council decision authorising the opening of negotiations, a decision from the 27 EU Member States authorising the EU Commission to negotiate on their behalf those TTIP provisions that fall outside the scope of the EU competence, and a series of directives framing the conduct of negotiations. Although meant to remain confidential, the directives reveal that negotiations will be based on three pillars: 1) market access; 2) regulatory issues and non-tariff barriers; and 3) rules under which the agreement will operate.

Possibly one of the most interesting aspects in the negotiations is that relating to regulatory convergence and to the measures that pose barriers to trade (*i.e*., non-tariff measures, hereinafter, NTMs). NTMs include all those measures, other than tariffs, that affect trade, including border measures (such as customs procedures) and behind-the-border measures stemming from domestic regulation, whether at EU or US Federal level, or at EU Member State or State level. Indeed, trade and investment between the EU and the US are affected by different regulatory environments and NTMs result in costly procedures that businesses operating in a broad number of sectors are required to comply with.

In particular, the automotive sector is negatively affected by NTMs that are basically connected to product testing and appear to be the result of diverse approaches to safety and environmental hazards. In this respect, indicative of such existing NTMs might be the fact that, while the US requires that automotive products comply with a number of minimum performance requirements, the EU regime includes directives that are only partially harmonised with international standards. The two trading partners will also have to agree on how to tackle NTMs affecting trade in chemical products, which is one of the most important sectors in terms of employment, value addition and trade between the EU and the US. In this respect, NTMs appear to be mostly linked to, *inter alia*, different testing and licensing requirements, the need for operators to provide different classification and labelling documentation, and the obligation to submit notifications of any new uses or substances that may be prohibited in the importing party. Furthermore, of major interest for the two trading partners is also the sector of food and beverages, which is highly regulated both in the EU and the US. Particularly sensitive areas to NTMs are labelling specifications, product standards and customs procedures. In this sense, stringent sanitary and phytosanitary measures, concerning for instance food hygiene, subject business operators to highly cumbersome and costly procedures, particularly hampering the efficiency of SMEs in the export market.

There are a number of different formulas that may be employed to tackle regulatory divergences between trading partners. In the EU context, such situations are, to a very large extent, dealt with through a policy based on the principle of mutual recognition. In particular, EU Member States recognise the results of product tests carried out in other EU Member States, so that products approved for sale in an EU Member State can be automatically

marketed in another one, even if they do not strictly comply with the regulations in force in the latter. This principle does not apply to goods subject to harmonisation at EU level and is also contingent upon the terms of an exception allowing divergence from mutual recognition on grounds of, *inter alia*, public policy and the protection of human, animal or plant life or health, as long as it does not constitute a means of arbitrary discrimination or a disguised restriction to trade. However, it must be borne in mind that the mutual recognition policy is at the core of the EU single market for goods, which is clearly beyond the TTIP's objective '*to increase trade and investment between the EU and the US ... through increased market access and greater regulatory compatibility*'. A similar mechanism embodying a possibly different level of recognition and subject to exceptions could certainly provide for some useful inspiration to the negotiating parties. In addition, should negotiators pursue a similar mechanism for trade between the EU and the US, they would certainly be faced with a number of obstacles, including at the institutional level. For example, US Federal regulatory agencies (such as the US Environmental Protection Agency or the US Food and Drug Administration), which decide on a large number of regulatory measures, are overseen by the US Congress, which establishes the legal framework within which they operate. This determines that not only the specialised agencies, but also the US Congress Committees, would need to agree on recognition of the safety standards in force in an EU Member State.

Perhaps in light of these and other obstacles, the US-EU High Level Working Group on Jobs and Growth (hereinafter, HLWG) recommended, in its February 2013 final report, that a more modest approach be adopted in the conduct of the TTIP negotiations. In particular, the HLWG stated that, inasmuch as both trading partners have already achieved considerable openness in their economies, they should pursue an agreement '*designed to evolve over time*' (*i.e.*, that contributed to the substantial elimination of trade and investment barriers, at the same time as it put mechanisms in place that would allow for a further deepening of economic integration between the EU and the US).

Businesses on both sides of the Atlantic, which will be the primary beneficiaries of NTMs elimination and achievement of regulatory convergence between the two trading partners, are advised to ensure that their interests are duly and timely represented at all stages of the negotiations. Playing an early and pro-active role in the negotiations, either directly or indirectly through representative trade associations and/or governmental negotiators, will provide businesses with a competitive edge and the ability to shape negotiations and market access concession to their advantage. This opportunity should not be missed by big and small businesses alike on both sides of the Atlantic.

The European Union's list of food additives comes into force

On 1 June 2013, *Commission Regulation (EU) No. 1129/2011 of 11 November 2011 amending Annex II to Regulation (EC) No. 1333/2008 by establishing an Union list of food additive*s, came into force. This EU list includes the name of the food additive and its E number (*i.e.*, the code number that is assigned in the EU to an additive), the foods to which the food additive may be added, the conditions under which the food additive may be used (in particular the maximum usable limit), and restrictions on the sale of the food additive directly to the final consumer. A second regulation, adopted on 11 November 2011, *Commission Regulation (EU) No. 1130/2011 amending Annex III to Regulation (EC) No. 1333/2008 on food additives by establishing an Union list of food additives approved for use in food additives, food enzymes, food flavourings and nutrients*, already applies in this field since 2 December 2011.

Food additives, which preserve, colour, sweeten and stabilise food during its production, packaging or storage, food enzymes, which have specific biochemical actions that serve technological purposes at any stage of the food chain, and food flavourings, which give or

change the odour or taste to food, are also called '*food improvement agents*'. The common EU authorisation procedure for all food improvement agents is established in four regulations (*i.e.*, *Regulation (EC) No. 1331/2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings*; *Regulation (EC) No. 1332/2008 on food enzymes*; *Regulation (EC) No. 1333/2008 on food additives*; and *Regulation (EC) No. 1334/2008 on flavourings and certain food ingredients with flavouring properties*). Under the old EU regulatory framework, the lists of additives were spread over several annexes in three different directives (*i.e.*, on sweeteners, on food colours, and on additives other than colours and sweeteners).

At the time *Regulation (EC) No. 1333/2008* was adopted, no agreement could be reached on the harmonisation of the maximum permitted quantities of authorised additives. This is why the entry into force of the EU's list of additives was delayed for almost 5 years. Therefore, it was up to each EU Member State to set the maximum permitted levels for additives in foodstuffs, which led to a fragmentation of the EU's internal market. With entry into force of the EU's list of food additives, food business operators can now be assured that the same conditions under which food additives may be used apply all over the EU.

However, it should be noted that the established EU's lists are not the result of a new risk assessment. New assessments of existing additives have still to be completed. In March 2010, the EU Commission adopted a programme for the re-evaluation of all authorised food additives (*i.e.*, *Commission Regulation (EU) No. 257/2010 of 25 March 2010 setting up a programme for the re-evaluation of approved food additives in accordance with Regulation (EC) No. 1333/2008 on food additives*). Under the programme, the European Food Safety Authority (hereinafter, EFSA) continues to re-evaluate by 2020 all food additives that had been permitted before 20 January 2009. The re-evaluation of food colours was carried out with priority, since these food additives had the oldest evaluations by the Scientific Committee on Food (SCF, the predecessor of EFSA) and most of them had to be evaluated by the end of 2011. The remaining colours must be evaluated by the end of 2015, while preservatives, antioxidants, glutamates and silicon dioxide must be evaluated by 2015-2016. Other sweeteners will be evaluated by the end of 2020 and all other additives by the end of 2018. In this context, on 17 June 2013, EFSA recommended that new tests be carried out to address uncertainties related to the possible genotoxicity (*i.e.*, the ability of a substance to damage the DNA, the genetic materials of cells) of a group of six chemically-related food colours, five of the so-called *Southampton colours* (*i.e.*, Allura Red AC - E 129; Ponceau 4R - E 124; Sunset Yellow FCF - E 110; Tartrazine - E 102; and Azorubine/Carmoisine - E 122) and Amaranth - E 123. The re-evaluation of these six colours has, in principle, already been completed by EFSA in November 2009 and their use in food is authorised in the EU as food additives. However, EFSA will, if necessary, reconsider existing Acceptable Daily Intakes (ADIs) for these substances.

In relation to the process of harmonisation with international standards on food additives, *Regulation (EU) No. 1129/2011* states in its introduction that '*[t]he established Codex Alimentarius General Standard for Food Additives (i.e., Codex STAN 192-1995), food category system has been used as a starting point for developing the EU system. However, that system needs to be adapted to take into account the specificity of the existing food additive authorisations in the EU. Current sector specific EU provisions on foods have been taken into account. The categories are created with the sole purpose of listing the authorised additives and their conditions of use*'. Foods to which food additives may be added, and the conditions under which the food additive may be used in the EU, may, therefore, not necessarily be identical with the requirements of the respective Codex Standard (see, in this context, Trade Perspectives Issue No. 21 of 18 November 2011).

Recalling the last issue of Trade Perspectives (*i.e.*, Issue No. 12 of 14 June 2013), the sweetener steviol glycosides - E 960, derived from the Stevia ribaudiana plant (hereinafter,

stevia) has been included in Annex II to Regulation (EC) No. 1333/2008 by *Commission Regulation (EU) No. 1131/2011 of 11 November 2011*. Since 2 December 2011, stevia is authorised in the EU in table top sweeteners, certain beers and alcoholic drinks, food supplements, certain sauces, certain dietary foods, and a number of energy-reduced products (*e.g.*, flavoured fermented milk products, ice cream, jams, confectionery, chewing gum, desserts, fruit nectars, and soups).

The entry into force of the EU's list of permitted additives on 1 June 2013 will make it easier for the food industry to know exactly which additives are allowed in the EU, and under which conditions (*i.e.*, in which category of foodstuffs and at which maximum amount) they can be used. However, this should be exercised with care as the EU's list is amended from time to time. Just to give an example, *Commission Regulation (EU) No. 510/2013 of 3 June 2013 amending Annexes I, II and III to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council as regards the use of iron oxides and hydroxides (E 172), hydroxypropyl methyl cellulose (E 464) and polysorbates (E 432-436) for marking of certain fruits* will apply as of 24 June 2013. The EU Commission has established a database on food additives, which can serve as a tool to inform about the food additives approved for use in food in the EU and their conditions of use. However, this database is made available solely for the purpose of information, it has no legal value, and the EU Commission declines all responsibility or liability whatsoever for errors or deficiencies in this database. Ultimately, it is the applicable EU legislation and its interpretation by the courts which prevails.

Panama requests WTO consultations with Colombia over measures relating to the importation of textiles, apparel and footwear

On 18 June 2013, Panama requested WTO consultations with Colombia concerning the latter's measures relating to the importation of textiles, apparel and footwear. Such request, which formally initiates dispute settlement proceedings under the WTO Dispute Settlement mechanism, relates to a Colombian mixed duty, which is calculated on the basis of both the value (*ad valorem*), and the volume or quantity (specific) of the products affected (hereinafter, compound tariff). In particular, affected products are those classified under Chapters 61, 62, 63 and 64 of Colombia's customs tariff classification. The compound tariff is established in Decree No. 74 of 23 January 2013 of the President of the Republic of Colombia (hereinafter, the decree), which entered into force on 1 March 2013 and which will apply for a period of one year to imports of the affected products originating from countries that have no free trade agreements (hereinafter, FTA) in place with Colombia.

In its request for consultations, Panama argues that Colombia's compound tariff appears to be inconsistent with several of Colombia's obligations under WTO law. In particular, Panama considers the compound tariff to be in violation of Article II:1(a) and first and second sentences of Article II:1(b) of the GATT, together with the Understanding on the Interpretation of Article II:1(b) of the GATT (hereinafter, the Understanding), and Article VIII:1(a) of the GATT. In addition, Panama also claims a possible breach of Article X:3(a) of the GATT. Moreover, Panama expects Colombia to be able to provide a full and detailed explanation concerning the duration, scope and operation of the compound tariff, as provided by the said decree and any other relevant legal instrument.

As regulated in the decree, Colombia's compound tariff consists of an *ad valorem* levy expressed in a percentage of the customs value of the affected products, plus a specific levy expressed in a fixed monetary quantity per unit of measurement. In particular, goods falling within the scope of Chapters 61, 62, 63 and heading 64.06 of Colombia's customs tariff classification are subject to a compound tariff consisting of 10% of the goods' custom value plus USD 5 per gross kilo, while the rest of the products classified under Chapter 64 are subject to a compound tariff equal to 10% of their custom value plus USD 5 per pair.

In Panama's view, the compound tariff is an ordinary customs duty, the application of which results in the imposition of levies in excess of those resulting from the application of the *ad valorem* tariff bound in Colombia's Schedule of Concessions. Following this interpretation, the compound tariff is deemed to be inconsistent with the obligation contained under the first sentence of Article II:1(b) of the GATT, which provides that scheduled products be exempted from ordinary custom duties other than those provided in the Schedule. In this respect, it is recalled that in the WTO case *Argentina – Textiles*, the Appellate Body found that '*the application of a type of duty different from the type provided for in a Member's Schedule is inconsistent with Article II:1(b), first sentence, of the GATT 1994 to the extent that it results in ordinary customs duties being levied in excess of those provided for in that Member's Schedule*'. It follows that the switch from *ad valorem* to compound tariffs would be WTO inconsistent only insofar as it resulted in duties higher than the bound levels. Panama also argues that Colombia's compound tariff measure might be in breach of Article II:1(a) of the GATT, to the extent that it accords treatment less favourable than that provided for in Colombia's Schedule of Concessions to affected imports, including those from Panama.

Panama further asserts that the Colombian measure at stake could be inconsistent with the second sentence of paragraph II:1(b) of the GATT, provided that the specific levy of USD 5 per gross kilo or pair is considered to be a duty or charge other than an ordinary custom duty in the sense of paragraph 2 of the Understanding. In this case, according to Panama, the compound tariff would also appear to be inconsistent with paragraphs 1, 2, 3 and 4 of the Understanding, inasmuch as the charge was not recorded in Colombia's Schedule of Concessions. This issue was dealt with in the WTO case *Chile – Price Band System*, where a WTO Panel found (acting *ultra petita*, as the WTO Appellate Body later determined) that other duties or charges had to be recorded in a separate column in Members' Schedules, otherwise (if they were not recorded, but nevertheless levied), they were to be deemed inconsistent with the second sentence of Article II:1(b) of the GATT.

Panama further asserts that Article VIII:1(a) of the GATT might be violated, inasmuch as the specific levy of USD 5 per gross kilo or per pair may be considered a duty or charge for services rendered upon importation. According to Panama, Colombia offers no services upon importation connected to such fee or charge, which therefore renders the payment thereof inconsistent with the aforementioned provision.

Finally, Panama reserves its right to conduct consultations concerning any other possible alleged inconsistencies, including the obligation that measures affecting international trade in goods be administered in a manner that is uniform, impartial and reasonable, as provided in Article X:3(a) of the GATT.

Should Colombia not be able to provide an explanation that satisfies Panama on the controversial aspects of its measure, Panama may be expected to request the establishment of a WTO Panel to further assess the consistency of Colombia's compound tariff with the asserted WTO provisions. In this respect, it is recalled that Panama and Colombia were already parties to a WTO dispute concerning similar goods in the past. In particular, the trading partners held WTO consultations in 2006 and engaged in full-fledged dispute settlement proceedings in 2007. In that case, a WTO Panel found that certain Colombian measures on indicative prices and restrictions on ports of entry were inconsistent with Colombia's obligations under the GATT (see Trade Perspectives, Issue No. 9 of 8 May 2009). Regardless of how events develop this time, industries operating in the field of the affected goods in Panama and in any third country without any FTA in force with Colombia are advised to monitor the development of the ongoing WTO consultations between the two trading partners.

Recently Adopted EU Legislation

Market Access

- *Notice concerning the entry into force of the Agreement in the form of an Exchange of Letters between the European Union and the United States of America pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union*

Food and Agricultural Law

- *Commission Implementing Regulation (EU) No. 594/2013 of 21 June 2013 amending Implementing Regulation (EU) No. 543/2011 as regards marketing standards in the fruit and vegetables sector and correcting that Implementing Regulation*

- *Commission Implementing Regulation (EU) No. 593/2013 of 21 June 2013 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat*

- *Commission Implementing Decision of 13 June 2013 amending Implementing Decision 2011/884/EU on emergency measures regarding unauthorised genetically modified rice in rice products originating from China*

Trade-Related Intellectual Property Rights

- *Council Decision of 10 June 2013 establishing the European Union position within the Council for TRIPS of the World Trade Organisation on the request for an extension of the transition period under paragraph 1 of Article 66 of the TRIPS Agreement for least-developed country Members*

Other

- *Commission Regulation (EU) No. 611/2013 of 24 June 2013 on the measures applicable to the notification of personal data breaches under Directive 2002/58/EC of the European Parliament and of the Council on privacy and electronic communications*

- *Regulation No. 49 of the Economic Commission for Europe of the United Nations (UN/ECE) — Uniform provisions concerning the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines and positive ignition engines for use in vehicles*

- *Regulation (EU) No. 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC*

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