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The EU requests the establishment of a WTO panel in its dispute against various tax advantages in Brazil

On 31 October 2014, the EU requested the establishment of a WTO panel in *Brazil – Certain Measures Concerning Taxation and Charges*. The request by the EU asserts that Brazil has violated provisions in various WTO agreements, including the General Agreement on Tariffs and Trade 1994 (hereinafter, GATT), the Agreement on Subsidies and Countervailing Measures (hereinafter, SCM Agreement) and the Agreement on Trade-Related Investment Measures (hereinafter, TRIMs Agreement). The context surrounding the progression of the dispute, which itself laid dormant for seven months, may suggest that both parties will soon increase their use of the WTO dispute settlement process against one another.

The EU first initiated the dispute on 19 December 2013, when it filed its request for WTO consultations with Brazil (see Trade Perspectives, Issue No. 2 of 24 January 2014). The EU originally took issue with certain tax advantages: (1) in the automotive sector; (2) in the electronics and related sectors; (3) with regards to goods produced in Free Trade Zones; and (4) applicable to exporters in Brazil. The recently circulated request for the establishment of a WTO panel updates these claims, though it appears as though the EU dropped its claim with regards to goods produced in Free Trade Zones in Brazil. In addition to its claims under Article 3.1(a) and 3.2 of the SCM Agreement, regarding the use of illegal subsidies that are contingent upon export performance, the EU asserts that Brazil has implemented domestic content requirements, in violation of Articles 3.1(b) and 3.2 of the SCM Agreement and Article 2 of the TRIMs Agreement (in conjunction with Article III:4 of the GATT). A previous issue of Trade Perspectives (cited above) addressed the *Inovar-Auto* programme (*i.e.*, the *Programa de Incentivo à Inovação Tecnológica e Adensamento da Cadeia Produtiva de Veículos Automotores*, translated into English as the *Incentive Programme for the Technological Innovation and Densification of the Automotive Supply Chain*), which allegedly includes WTO-inconsistent domestic content requirements. However, the other relevant set of measures, which relate to information and communication technology (hereinafter, ICT), automation and related goods, are also worth exploring. A recent EU press release suggested that Brazil's extension of the said measures was one of the key reasons triggering the EU's request for the establishment of a WTO panel.

According to Articles 3.1(b) and 3.2 of the SCM Agreement, WTO Members shall neither grant nor maintain "*subsidies contingent, whether solely or as one of several other conditions, upon*

the use of domestic over imported goods". Within the context of the WTO, a subsidy is deemed to exist within the meaning of Article 1 of the SCM Agreement where there is a financial contribution by a government or public body, or any form of income or price support in the sense of Article XVI of the GATT, and a benefit is thereby conferred. A concept similar to that found in Article 3 of the SCM Agreement is present in Article 2 of the TRIMs Agreement. Under Article 2.1 of the TRIMs Agreement, a WTO Member may not apply TRIMs that are inconsistent with Article III of the GATT, examples of which, as explained in Article 2.2 of the TRIMs Agreement, are provided in the Illustrative List of TRIMs provided in the Annex to the TRIMs Agreement. Article 1(a) of the Illustrative List provides one example of a WTO-inconsistent TRIM: a measure that requires enterprises to purchase or use products of domestic origin or from any domestic source. Domestic content requirements (sometimes referred to as minimum required domestic content levels or local content requirements) have resulted in a number of WTO disputes in recent years, including *Canada – Renewable Energy* and the ongoing *India –Solar Cells* dispute brought by the US. In *Canada – Renewable Energy*, the EU and Japan challenged Ontario's feed-in tariff programme (hereinafter, FIT Programme), whereby Ontario required that the mixture, processing or use of equipment for renewable energy generation facilities be supplied from Ontario in specified amounts or proportions. There, the Appellate Body eventually upheld a panel ruling that found Canada's FIT Programme did not meet the conditions for derogation from Article III:4 of the GATT, and was thus also inconsistent with Article 2 of the TRIMs Agreement. Neither the panel, nor the Appellate Body, were able to complete the analysis under the SCM Agreement.

The EU's challenge to Brazil's measures relating to ICT, automation and related goods is directed at a set of four interrelated measures, including the: (1) *Lei de Informatica* (translated as the *Informatics Law*) and its implementing measures (hereinafter, Informatics Programme); (2) *Programa de Incentivos ao Setor de Semicondutores* (translated as the *Programme of Incentives for the Semiconductors Sector* and hereinafter referred to as PADIS); (3) *Programa de Apoio ao Desenvolvimento Tecnológico da Indústria de Equipamentos para TV Digital* (translated as the *Programme of Support to the Technological Developments of the Digital TV Equipment Industry* and hereinafter referred to as PATVD); and (4) *Inclusão Digital* (translated, and hereinafter referred to, as *Digital Inclusion*). Many of the tax advantages complained against by the EU relate to a more general business tax policy in Brazil, known as the *Imposto sobre Productos Industrializados* (translated as the *Tax on Industrial Products* and hereinafter referred to as IPI). According to the EU, the Informatics Law is a tax reduction or exemption programme (with respect to the IPI), which, in part, requires users to be accredited. Accreditation requires businesses to demonstrate that they produce in Brazil in accordance with a "*Basic Productive Process*" that "*increasingly requires*" components produced in Brazil. The PADIS and PATVD tax and duty exemption programmes also require users to be accredited. In this regard, businesses must perform certain production and development activities in Brazil. As seen under the Informatics Law, the Digital Inclusion programme also requires compliance with "*Basic Productive Processes*" if businesses want to receive certain tax exemptions on sales. Unlike Canada attempted to do when defending Ontario's FIT Programme, Brazil will not be able to argue that a derogation to Article III:4 of the GATT applies, since the relevant sales of goods do not involve purchases by the Government. It appears, instead, that Brazil will have to pursue other options for defence, including perhaps demonstrating that compliance is not necessary to obtain an advantage (or that an advantage does not exist), as required under Article 1 of the Illustrative List in the Annex to the TRIMs Agreement.

The context surrounding the initiation and advancement of the dispute may also be informative. Following the initiation of the dispute (*i.e.*, its request for WTO consultations circulated on 19 December 2013), Brazil and the EU held consultations on 13-14 February 2014 and 4 April 2014, but the parties were unable to reach a mutually satisfactory solution. Brazil subsequently extended the tax measures applicable to information and communication technology, as well as machinery, until 2029. The decision by the EU to push the dispute

forward may also be related to the outcome of the recent presidential election in Brazil, where incumbent Dilma Rousseff retained power, in lieu of her arguably more pro-free trade opponent. Brazil and the EU have both been active in the context of WTO dispute settlement since the EU initiated its dispute against Brazil in December 2013. The EU has since initiated four WTO disputes and Brazil one, a dispute against Indonesia concerning the importation of chicken meat and chicken products, which was the first dispute initiated by Brazil in over two years. If Brazil's recent use of the WTO dispute settlement mechanism is any indication that it will aggressively pursue and maintain market access in foreign food markets, another contentious issue, which may result in dispute settlement activities, is the EU's prohibition on meat products containing the growth hormone *ractopamine*, that has often been '*finger-pointed*' by Brazil and certain constituencies within the meat industry as arguably WTO-inconsistent. Absent any policy changes by Brazil and the EU, or progress with respect to a potential EU-Mercosur Association Agreement, both parties' governments may be more willing to initiate WTO disputes to support their domestic industries. Interested parties that are experiencing market access issues should strongly consider reaching-out to relevant government officials to ensure that their interests are properly and timely represented.

Measures for the protection of consumers, including public health, are being increasingly scrutinised at the WTO

Informed sources suggest that, within the framework of the latest meeting of the WTO Committee on Technical Barriers to Trade (*i.e.*, TBT Committee), which was held on 5-6 November, WTO Members discussed a wealth of measures adopted on grounds of public health protection. In particular, WTO Members addressed requirements maintained (or envisaged) by other WTO Members, many of which amount to nutrition labelling schemes and labelling schemes for alcoholic beverages and other heavily regulated products. In the most part, these measures pursue the prevention and minimisation of non communicable diseases associated with, *inter alia*, poor dietary habits and alcohol or tobacco consumption.

By way of example, discussions concerned nutrition labelling schemes proposed or maintained by Chile, Ecuador and Peru (*inter alia*), envisaging requirements such as the obligation that labels state that foodstuffs contain an "*excess of*" specific components (*e.g.*, saturated fat, sugar, sodium or calories) or the inclusion of the controversial colour-coded '*traffic light*' nutrition labelling scheme. WTO Members consistently supported the aim of encouraging healthy dietary choices among consumers, but at the same time voiced their concerns that such types of measures stand to be overly trade-restrictive, while not being based on relevant international standards. Specific labelling schemes for alcoholic beverages, as proposed or maintained by a plurality of WTO Members, including Russia and Thailand, also proved relatively problematic. Although not disputing the detrimental effects of excessive alcohol consumption, WTO Members expressed their doubts on the WTO-consistency of the obligation that labels carry specific statements or that they do not contain certain pictures.

As consistently highlighted in the course of the meeting, the TBT Agreement allows WTO Members to enact measures for the attainment of legitimate objectives (including "*human health and safety*"), provided that a number of requirements are observed. Namely, such measures must not be discriminatory (as per Article 2.1 of the TBT Agreement) and they must not disrupt international trade more than required for the fulfilment of the given legitimate objective (according to Article 2.2). In addition, the TBT Agreement establishes that, where relevant international standards exist, WTO Members normally need to use them as a basis for their technical regulations (under Article 2.4).

WTO Members' will to protect public health is at the core of an ongoing trend to legislate for the benefit of consumers, whether nudging them towards consumption of products considered '*healthy*', discouraging them from consuming certain '*harmful*' products, or giving them

additional information so that they can make fully informed choices. However, measures adopted in this regard necessarily have an impact on areas beyond the achievement of these objectives and, accordingly, the WTO-compliance of a number of them has already been questioned. A number of panel and Appellate Body reports within the most recent WTO case-law clarify how key provisions of the TBT Agreement (as well as of other relevant WTO Agreements) are to be interpreted, thereby providing useful guidance to regulators on their margin of manoeuvre when designing measures in the relevant fields.

In particular, the *US – Clove Cigarettes* dispute was triggered against a US measure that, in relevant part, banned the production and sale of clove cigarettes on grounds that they encouraged young people to smoke, while excluding menthol cigarettes from such ban. In relevant part, the panel (and the Appellate Body, albeit on different grounds) found that the US measure violated the non-discrimination obligation contained in Article 2.1 of the TBT Agreement. In examining whether the relevant measure was inconsistent with Article 2.2 of the same agreement, as argued by the complainant, the panel found that there is extensive scientific evidence supporting the idea that banning clove (and other flavoured cigarettes) could contribute to reduce youth smoking and, in addition, that the complainant had failed to demonstrate that less trade-restrictive alternatives making an equivalent contribution to such objective were available. Accordingly, the panel rejected the claim that the measure was more trade-restrictive than necessary and constituted an unnecessary obstacle to international trade (for further background on the panel and Appellate Body reports, see Trade Perspectives Issue No. 16 of 9 September 2011 and Issue No. 8 of 20 April 2012, respectively).

Similarly, in the *US – COOL* dispute, which concerned certain US provisions requiring that consumers be informed at the retail level of the country of origin of certain agricultural commodities, including beef and pork, a violation of Article 2.1 of the TBT Agreement was found by the panel and upheld by the Appellate Body (again, on different grounds). However, the Appellate Body reversed the panel's findings that the measure also violated Article 2.2 of the TBT Agreement. In particular, the Appellate Body recalled the report in *US – Tuna II (Mexico)*, where it was reasoned that, in order to be compliant with Article 2.2 of the TBT Agreement, WTO Members must ensure that technical regulations: (1) not be applied with a view to or with the effect of creating unnecessary obstacles to trade; and (2) not be more trade-restrictive than necessary to fulfil a legitimate objective; where the second part of the test informs the scope and meaning of the obligation contained in the first part. Accordingly, the Appellate Body in *US – COOL* established that the panel incorrectly reasoned that a measure can only be consistent with Article 2.2 of the TBT Agreement if it completely fulfils its objective or exceeds some minimum level of fulfilment. Regrettably, due to the absence of relevant factual findings and sufficient undisputed facts, the Appellate Body was unable to determine whether the US measure at stake was more trade-restrictive than necessary within the meaning of Article 2.2 of the TBT Agreement (see Trade Perspectives Issue No. 22 of 2 December 2011 and Issue No. 14 of 13 July 2012).

Despite the absence of *stare decisis* (*i.e.*, the rule whereby previous rulings bind panels and the Appellate Body in subsequent cases) in WTO adjudication, it is undeniable that these findings play a role in contributing to shape regulations adopted by WTO Members in comparable fields. In fact, recent and ongoing cases under the WTO dispute settlement mechanism, coupled with the latest discussions at the TBT Committee, evidence that the goal of consumer protection is currently embedded within a wealth of measures that inevitably affect trade. Regardless of whether such measures are fit for purpose, they need to be corrected (and their undue effects, remedied) if they violate multilateral trading rules. While, at the public level, these measures must be referred to the relevant platforms (such as the WTO technical committees and dispute settlement mechanism) without undue delay, private operators with an interest in the affected industries are advised to spare no efforts in ensuring that their (let us not forget, equally legitimate) interests are duly represented in all relevant

instances. Better regulation must be able to achieve countries' legitimate policy objectives while minimising the negative effects on trade.

The US and China agree to advance the Information Technology Agreement negotiations

On 11 November 2014, China and the US reached a consensus on advancing the negotiations on expanding the scope of goods covered by the Information and Technology Agreement (hereinafter, ITA). This deal is regarded as a breakthrough that may greatly contribute to a rapid conclusion of the final ITA negotiations in Geneva.

The ITA is a plurilateral agreement within the framework of the WTO. It was finalised at the first WTO Ministerial Conference in 1996, in Singapore, committing its participants to completely eliminate tariffs on certain information and communication technology (hereinafter, ICT) products. The ITA participants are required to reduce tariffs on all products covered by the ITA to 0% without any exceptions, but with extended implementation periods for sensitive products. The tariff reduction commitments are to be taken on an MFN basis, meaning that all WTO Members will benefit from them, no matter whether they are ITA participants or not. The ITA currently covers six main categories of products (*i.e.*, computers, semiconductors, semiconductor manufacturing equipment, telecommunication apparatus, instruments and apparatus, data-storage media and software, and parts and accessories). Currently, the ITA has 52 participants, representing 80 WTO Members (the 28 EU members are counted as one ITA participant), which account for approximately 97% of world trade in ICT products. The total amount of import duties eliminated under the ITA was estimated to be USD 1.6 trillion in 2013.

The ITA entered into force on 1 July 1997 and the ITA product list has not been substantially improved since then. However, to reflect the rapid technological development of the ICT industry, the ITA requires the participants to "*meet periodically*" in order to review the product coverage. In this regard, relevant negotiations, which have been referred to as '*ITA II*' negotiations, have been launched since the entry into force of the ITA. New proposals were made by participants to achieve a more diverse set of products, expansion to more high-tech sectors, new tariff cuts, and elimination of non-tariff barriers in the ICT industry. However, ITA participants have complicated offensive and defensive interests in the ITA II negotiations, which have made the negotiations difficult to advance and have thus effectively stalled since the end of 1998.

In 2012, the US proposed to re-launch the ITA II negotiations by expanding the product list, and advancing the elimination of non-tariff barriers. The proposal was welcomed and supported by major ITA participants, *inter alia,* Australia, Canada, the EU, Japan and New Zealand. On 28 March 2013, a consolidated product list was circulated among ITA participants (see Trade Perspectives, Issue No. 9 of 3 May 2013). However, disagreements among parties, especially between China and the US, resulted in a new suspension of the ITA II negotiations in November 2011. It has been reported that China was claiming 130 products as '*sensitive*' among the 256 products under the ITA II discussion. Compared to China's sensitive product list, the next biggest one only included around 50 products. The EU identified 10 sensitive products, the United States 1, and Canada 0. After intensive talks aiming at reaching a final deal of the ITA II, China was still insisting on 59 products. Therefore, the strong disagreement between China and other ITA participants led to the suspension of the ITA II negotiations at the end of 2013.

On 11 November 2014, during an APEC meeting held in Beijing, US President Obama announced that the US and China reached an understanding on a bilateral agreement on expanding the ITA product list. Although the understanding between the US and China is crucial to the final conclusion of the ITA, it is not the final step. The product list needs to be

approved by the other 50 ITA participants. Informed sources indicate that there may still be some hurdles to overcome with the sensitive product lists proposed by other ITA participants.

Besides the big range of tariff reductions achieved by the ITA, the significance of the plurilateral-and sectoral-specific approach should also be highlighted. This approach was developed over time in order to allow a group of participants to negotiate on specific tariff reductions or non-tariff barriers affecting specific sectors. The ITA provides a perfect example of how the private sector can identify the common interests and form a coalition to influence international negotiations. The ICT industry has the special feature that its components are made around the world in a global supply chain and assembled together into the final products. The cross-border transaction costs, including tariffs, impose heavy burdens on producers and are ultimately incurred by consumers. This explains why it was the private sector from the ICT industry that formulated the idea of tariff reductions on ICT products among as many economies as possible. Back in 1994, this was first proposed by a group of US computer manufacturers under the umbrella of the Information Technology Industry Council (hereinafter, ITIC). The ITIC then convinced the European Association of Manufacturers of Business Machines and Information Technology Industry (EUROBIT), the Japanese Electronic Industry Development Association (JEIDA) and the Information Technology Association of Canada (ITAC). Together, they jointly promoted the proposal within all relevant international *fora*. Encouraged by the boom of the ICT industry and its positive effects on domestic economies, governments started to meet in Geneva and the United States finally submitted a proposal to the WTO to negotiate the ITA in 1996. The private sector was closely involved in pushing forward the negotiations of the ITA.

To date, the expanded ITA product list is still under negotiation and not publicly available. It has been reported that the expanded ITA list, which the US and China have ultimately agreed to, includes next generation semi-conductors (currently facing tariffs of up to 25%) along with various high-tech medical devices, software media and video game consoles, and global positioning system (GPS) devices. According to the estimation of the United States Trade Representative, the successful expansion of the ITA would reduce more than 200 tariff lines to 0% and save roughly USD 1 trillion in tariff costs on ICT products. Moreover, elimination of non-tariff barriers (*e.g.*, the harmonisation of technical standards) is anticipated to be discussed as an important issue besides tariff reductions. Relevant business stakeholders are recommended to closely watch the forthcoming developments and negotiating sessions, in order to ensure that their interests are factored in the final language of the ITA negotiations.

Nutrition labelling on alcoholic beverages?

Regulation (EU) No. 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers (hereinafter, the FIR) requires, as of 13 January 2016, mandatory nutrition labelling on all foods. However, there are certain exceptions, such as currently for alcoholic beverages. The EU Commission must produce a report by 13 December 2014 concerning the provision of nutrition information on the labels of alcoholic beverages.

To avoid unnecessary burdens on food business operators, the FIR exempts from the mandatory nutrition declaration certain categories of foods that are unprocessed or for which nutrition information is not a determining factor in consumers' purchasing decisions, or for which the packaging is too small to accommodate the mandatory labelling requirements. Annex V to the FIR lists the foods that are exempted from the mandatory nutrition declaration requirement, including: unprocessed products; processed products that were merely subject to the process of maturing and that comprise a single ingredient or category of ingredients; waters intended for human consumption; a herb, a spice or mixtures thereof; salt; table top sweeteners; certain coffee and chicory products; herbal and fruit infusions, tea; fermented

vinegars; flavourings; food additives; processing aids; food enzymes; gelatine; jam setting compounds; yeast; chewing-gums; food in packaging or containers the largest surface of which has an area of less than 25 cm2; and food, including handcrafted food, directly supplied by the manufacturer of small quantities of products to the final consumer or to local retail establishments directly supplying the final consumer.

The question is whether, taking into account the specific nature of alcoholic beverages, they should also be exempted from nutrition labelling. According to Article 16(4) of the FIR, neither a list of ingredients nor a nutrition declaration are currently mandatory for beverages containing more than 1.2% alcohol by volume. Article 30(1) of the FIR provides that the mandatory nutrition declaration must include the following: (a) energy value; and (b) the amounts of fat, saturates, carbohydrate, sugars, protein and salt. Under Article 30(2), the content of the mandatory nutrition declaration may be supplemented with an indication of the amounts of one or more of the following: (a) mono-unsaturates; (b) polyunsaturates; (c) polyols; (d) starch; (e) fibre; (f) certain vitamins or minerals, present in significant amounts. Under Article 30(4) of the FIR, where the labelling for beverages containing more than 1.2% alcohol by volume provides for a nutrition declaration, the content of the declaration may be limited to the energy value. Therefore, the possibility is given to declare only limited elements of the nutrition declaration.

The general rule, according to Article 32 of the FIR, is that the energy value and the amount of nutrients must be expressed per 100g or per 100ml. According to Article 33(a) of the FIR, the energy value and the amounts of nutrients may also be expressed per portion and/or per consumption unit (easily recognisable by the consumer), provided that the portion or the unit used is quantified on the label and that the number of portions or units contained in the package is stated in addition to the form of expression per 100g or per 100ml.

The FIR has invited the EU Commission to analyse the information requirements for alcoholic beverages. In particular, taking into account the need to ensure coherence with other relevant EU policies, it must produce a report by 13 December 2014 concerning the provision of nutrition information (in particular information on the energy value) and also of ingredients on the labels of alcoholic beverages. The EU Commission, after consultation with stakeholders and EU Member States, must also consider the need for a definition of beverages such as the so-called '*alcopops*', which are specifically targeted at young people. The Commission may accompany that report with a legislative proposal, if appropriate, which determines the rules for a list of ingredients or a mandatory nutrition declaration for those products.

Reportedly, labelling of single serve alcoholic drinks to show calories and sugars would be useful to those trying to cut down on sugar, or managing their weight. However, there appears to be a risk that calorie/carbohydrates (including sugar) labelling may drive consumers to choose products high in alcohol, such as spirits, as these tend to be lower in calories and sugar compared with alcohol products that contain less alcohol, such as beer.

Many alcoholic drinks are rich in calories. A 0.3l glass of beer accounts for around 135-180 calories (hereinafter, kcal). Whereas, 100ml of beer contain approximately 41-60 kcal, depending on their alcohol and sugar content (*inter alia*, *Düsseldorf Altbier* (5 Vol.-%) has 41 kcal/100ml, *Pilsener beer* (5 Vol.-%) has 42 kcal/100ml, wheat beer (5 Vol.-%) has 43 kcal/100ml and stronger beer (with more than 6.5 Vol.-%) has around 60 kcal/100ml). Alcohol-free beers (0.5 Vol.-%) still have around 25 kcal/100ml). Among the wines and sparkling wines, a typical 0.2l glass amounts to 150-160 kcal (Prosecco (11 Vol.-%) has 75 kcal/100ml; champagne (12.5 Vol.-%) has 80 kcal/100ml, red wine (12.5 Vol.-%) has 85 kcal/100ml, and white wine (11.5 Vol.-%) has 75 kcal/100ml. Beers and wines also contain carbohydrates, including sugars (beer around 3.0g/100ml, white wine around 3.0g/100 ml, red wine around 2.5g/100ml, and sparkling wine around 4.0g/100ml). In comparison, a typical shot (2cl) of a spirit drink may have just 40 calories and no carbohydrates (*inter alia*, Grappa (40 Vol.-%) has

225 kcal/100ml, Vodka (40 Vol.-%) has 225 kcal/100ml and Whisky has 246 kcal/100ml). A 0.33lbottle of the popular *alcopops* may contain about 200 kcal and a creamy Piña Colada cocktail about 340 per glass.

It must be taken into consideration that, when the labelling for alcoholic beverages provides a nutrition declaration, the content of the declaration may be limited to the energy value. The energy value and the amounts of nutrients may also be easily recognisable by the consumer, expressed per portion and/or per consumption unit (provided that the portion or the unit used is quantified on the label and that the number of portions or units contained in the package is stated in addition to the form of expression per 100g or per 100ml). In that case, it cannot be ruled out that the low per unit calorie content of spirit drinks is emphasised on the label of a beverage, even if the mandatory expression per 100ml is "*hidden*" elsewhere on the label.

On a related labelling matter, Article 4(3) of *Regulation (EC) No. 1924/2006 on nutrition and health claims made on food* provides that beverages containing more than 1.2% by volume of alcohol must not bear health claims. In the preliminary judgment of 6 September 2012, in Case C-544/10 *Deutsches Weintor eG v Land Rheinland-Pfalz*, the Court of Justice of the European Union (hereinafter, the CJEU) established that the prohibition against using health claims to promote beverages containing more than 1.2% by volume of alcohol covers the German description '*bekömmlich*' (*i.e.*, '*easily digestible*') (see Trade Perspectives, Issue No. 17 of 21 September 2012).

It will be interesting to see how the EU Commission addresses, in its December 2014 report, the issue of nutrition labelling and per portion labelling on alcoholic beverages and other labelling related matters. Any development should be carefully monitored.

Recently Adopted EU Legislation

Food and Agricultural Law

- *Commission Implementing Regulation (EU) No 1218/2014 of 13 November 2014 amending Annexes I and II to Regulation (EU) No 206/2010 as regards animal health requirements for Trichinella in the model of veterinary certificate for imports into the Union of domestic porcine animals intended for breeding, production or slaughter, and of fresh meat thereof*

- *Regulation (EU) No 1144/2014 of the European Parliament and of the Council of 22 October 2014 on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries and repealing Council Regulation (EC) No 3/2008*

- *Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species*

Other

- *Commission Decision of 24 October 2014 establishing the ecological criteria for the award of the EU Ecolabel for absorbent hygiene products (notified under document C(2014) 7735)*

- *Commission Decision of 9 July 2014 on the aid scheme SA.18042 (2013/C) (ex MX 17/2009) (ex NN 61/2004) implemented by Spain on excise duty exemption for biofuels(notified under document C(2014) 4530)*

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