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The EU and the US reached an agreement to increase the US share of the EU quota for '*high-quality*' growth-hormone-free beef

On 14 June 2019, the European Commission (hereinafter, Commission) announced that it had reached an agreement in the negotiations with the US on the importation of *'high quality* beef' from animals not treated with certain growth-promoting hormones. The Commission stated that the outcome of the negotiations, to review the functioning of the existing quota to import hormone-free beef into the EU, is in line with WTO rules. With this agreement, the Commission aims at increasing the quota allocated to the US, which would not affect the EU's general ban on hormone-treated beef.

The EU and the US have been disputing EU measures concerning meat and meat products since the 1980s. In 1981, the EU adopted restrictions on the use of hormones in livestock production. Since 1989, as modified in 2003, the EU prohibits the production or importation of meat and meat products produced from animals to which estradiol-17β, testosterone, progesterone, zeranol, trenbolone acetate or melengestrol acetate have been administered. All six of said hormones are approved for use in the US. In 1986, in advance of the implementation of the EU's restrictions in 1989, the US invoked dispute settlement procedures under the General Agreement on Tariffs and Trade (hereinafter, GATT). Following the establishment of the WTO, the US continued to challenge the EU's measures and a series of WTO dispute settlement procedures and decisions ensued from 1996 to 2009. On 12 July 1999, a WTO arbitrator authorised the US to impose retaliatory tariffs of USD 116.8 million per year on the EU. Most recently, in October 2008, the WTO Appellate Body circulated a Report authorising continued trade sanctions by the US against the EU.

In May 2009, the EU and the US had agreed on a *Memorandum of Understanding* (hereinafter, MoU) as a settlement to the dispute, whereby the EU would phase-in market access for specially-produced growth-hormone-free beef (*i.e.*, '*high-quality beef*', hereinafter HQB), more specifically to "*beef cuts obtained from carcasses of heifers and steers less than 30 months of age which have only been fed a diet, for at least 100 days before slaughter, containing not less than 62% of concentrates and/or feed grain co-products on a dietary dry matter basis*" through a dedicated tariff-rate quota (hereinafter, TRQ). The US agreed to phase-out the retaliatory tariff duties on EU products, which were fully eliminated in May 2011. Phase 1 of the MoU set the HQB TRQ at 20,000 metric tonnes (hereinafter, MT), while Phase 2 and Phase 3 of the MoU progressively increased the HQB TRQ to the current level of 45,000 MT. The MoU between the EU and the US was notified to the WTO Dispute Settlement Body on 14 April

2014 as a mutually agreed solution to implement the report in the dispute settlement proceedings. In addition, the EU adopted, in parallel to the EU-US MoU, a related MoU with Canada as a settlement to the corresponding WTO dispute brought by Canada on the same issues. The Canada-EU MoU increased the HQB TRQ by 1,500 MT in Phase 1, and by another 1,700 MT in Phase 2. The TRQs laid down in *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* were effectively designed to provide '*compensatory concessions*' only to the US and Canada, but were opened on the basis of a definition of HQB that would be '*de jure*' available to all countries (*i.e.*, MFN compliant on its face), but arguably '*de facto*' available only to the US and Canada (*i.e.*, discriminatory in favour of the two countries that the EU had to '*compensate*' as a consequence of WTO litigation) because, at the time the MoUs were agreed, the type of beef falling within the scope of the HQB TRQ was only (or primarily) produced in Canada and the US (see *Trade Perspectives*, Issue No. 10 of 22 May 2009). However, in 2017, only slightly above 16,000 MT of fresh beef meat were imported from the US to the EU, as the HQB TRQ was primarily filled by shipments from Australia and Argentina, as well as from other beef-exporting countries, such as New Zealand and Uruguay.

At the meeting between the President of the Commission Jean-Claude Juncker and US President Donald Trump on 25 July 2018 (see *Trade Perspectives*, Issue No. 15 of 27 July 2018), the EU and the US committed to address a number of specific trade issues and, in that spirit, both sides also agreed to review the HQB quota. On 3 September 2018, the Commission announced that it had decided to request a mandate from the Council for negotiations between the EU and the US to review the functioning of the existing quota for imports of hormone-free beef into the EU (see *Trade Perspectives*, Issue No. 17 of 21 September 2018), which the Council adopted on 19 October 2018. In its mandate, the Council noted that the '*ban*' on hormones-treated beef would remain and that the Commission was "*not authorised to negotiate an increase in the existing TRQ but can discuss a country-specific allocation of the overall quota*". Therefore, the Council noted that negotiations with other supplying countries "*may be needed*" to ensure that any country-specific allocation agreed with the US would be in line with those countries' rights under the GATT and other WTO Agreements.

On 14 June 2019, the Commission announced that it had reached an agreement in principle with the US and other substantial supplying countries, which was submitted to EU Member States. The Commission noted that, on the basis of the new agreement, the EU would allocate exclusively to the US 18,500 MT of HQB out of the current 45,000 MT, an amount which would increase over a seven-year transition period until reaching a total amount of 35,000 MT of HQB in the 2025/2026 marketing year. The quota would take effect from the 2019/2020 marketing year, which starts on 1 July 2019. From the 2019/2020 marketing year, only 26,500 MT would still be available for other supplying countries and, in view of the further increase of the US' allocation, their combined share would continue to gradually decrease to only 10,000 MT from the 2025/2026 marketing year onwards.

The question of whether TRQs are administered on a country-specific or MFN basis is one of the most important and often contentious issues associated with the opening and management of TRQs. Article XIII:2(d) of the GATT expressly allows quotas to be allocated among supplying countries, which in practice means the exclusion of other WTO Members because not all Members can normally be considered supplying countries. However, in accordance with Article XIII:2 of the GATT, the core requirement with respect to the allocation of TRQs is to "*aim at a distribution of trade in such product approaching as closely as possible the shares which the various contracting parties might be expected to obtain in the absence of such restrictions*".

According to the Commission, the agreement reached in June 2019 with the US is in line with WTO rules and has been negotiated with other "*substantial supplying*" countries. On 18 June 2019, the Minister for Trade, Tourism and Investment of Australia, Simon Birmingham, stated that he was "*deeply disappointed that US demands have resulted in the EU reducing the quota available to Australian beef producers*". However, Mr Birmingham noted that the Government of Australia had recognised that the decision on the agreement was inevitable and that Australia had successfully pursued the seven-year transition period until the 2025/2026

marketing year. Minister Birmingham stated that Australia was committed to achieve better market access through the ongoing EU-Australia trade negotiations and pointed out that the adaptation of the HQB TRQ had strengthened Australia's "*resolve to secure a comprehensive and ambitious Australia-EU FTA*", which would provide Australia's beef industry *"significantly improved access into this large market*". *Meat & Livestock Australia*, the industry's marketing and research body, went even further, stating that Australia could have contested the EU-US agreement at the WTO, because "*it contravenes the MFN rules*", but feared that this might have "*resulted in the dissolution of the quota*".

Importantly, Australia and the other key beef-supplying countries, namely Argentina and Uruguay as Mercosur Members, and New Zealand are currently conducting negotiations for bilateral trade agreements with the EU, where access to the EU beef market figures as a sensitive issue. Certainly, these beef-supplying countries will aim at achieving better market access for beef. Canada already achieved this as part of the EU-Canada Comprehensive Economic and Trade Agreement (CETA), which includes a TRQ on '*fresh or chilled beef and veal*' that increases from 5,140 to 30,840 MT over six years and that reportedly absorbs Canada's portion of the HQB TRQ. Clearly, negotiations with Australia, Argentina, New Zealand and Uruguay will prove challenging, as the difficult negotiations between the EU and Mercosur have already shown. In recent days, the announcement of the possibility to finally conclude this latter trade agreement led to increased protests by farmers in certain EU Member States requesting the Commission to eliminate beef from the negotiations. EU Member States Belgium, France, Ireland, and Poland addressed a joint letter to the President of the Commission, requesting that no further concessions on agricultural TRQs be offered. The EU's current offer amounts to 99,000 MT. However, Mercosur Members Argentina and Brazil stated that the EU's offer is still too low.

The Commission will now submit the agreement to the European Parliament for its consent and will then submit legal proposals for the Council to authorise the signature and to conclude the agreement with the US in the coming months. All relevant stakeholders and interested parties should closely monitor the developments regarding the entry into force of this agreement adapting EU beef quotas and any development in the ongoing free trade negotiations with respect to EU market access for beef.

Trade barriers and trade measures on the rise, EU and WTO reports show – businesses must be alert and active to avoid negative implications

On 17 June 2019, the European Commission (hereinafter, Commission) published the *Report from the Commission to the Parliament and the Council on Trade and Investment Barriers* for the period from 1 January to 31 December 2018 and, on 24 June 2019, the World Trade Organization (hereinafter, WTO) published the 21st *Report on G20 trade measures* for the period from October 2018 to May 2019. The reports refer to '*historic levels*' and a '*record high*' number of trade barriers and measures, which increasingly affect traders around the world. '*Trade wars*' and protectionist tendencies in a multitude of countries around the world significantly add to the usual developments that must be monitored by all importers and exporters.

In 2007, the EU set up the *Market Access Partnership* to structure and improve the cooperation between the Commission, EU Member States and EU businesses. The Market Access Advisory Committee (MAAC) and sectorial Market Access Working Groups (MAWGs) meet on a monthly basis in Brussels, while regular meetings of the Market Access Teams (MATs) or Trade Counsellors' meetings take place in third countries. Through this partnership, the EU aims at identifying trade barriers faced by EU businesses, which are then reported and assessed in the EU's *Trade and Investment Barriers Report* (hereinafter, TIBR). Importantly, the reported trade barriers are notified by businesses and can then be addressed bilaterally between the EU and the third countries' authorities.

The most recent edition of the TIBR identifies 45 new trade barriers put in place in 2018 in countries outside of the EU. The overall total number of trade barriers now amounts to a record high of 425 measures in 59 different countries. The first part of the TIBR provides an analysis of the overall trade barriers registered in the EU's *Market Access Database,* organised on the basis of the respective country, the type of barrier, and the concerned sector. The TIBR lists 37 trade barriers for China, now the country with the highest number of listed trade barriers. China is followed by Russia with 34 trade barriers in place, followed by India (25), Indonesia (25) and the US with 23 barriers. Turkey (20), Brazil (18), South Korea (17), Australia (15), Thailand (12), Mexico (11) and Algeria (10) also appear on the list. The further 178 trade barriers are spread out among the remaining 47 countries. 45 of the 425 trade barriers were added to the list during the course of 2018, mainly due to new measures in Algeria (5), India (5), China (4), and the US (4). Overall, the TIBR notes that, with 234 trade barriers, '*behind the border*' measures continue to increasingly outpace traditional border measures, which amount to 191. '*Behind the border*' measures are domestic restrictions related to services, investments, government procurement, intellectual property rights or unjustified technical barriers to trade concerning trade in goods that affect imports.

The second part of the TIBR then provides a more detailed analysis of the new barriers added in 2018. It focuses on the trading partners for which four or more new barriers were recorded in 2018 and which correspond to the largest share of the EU's potentially affected trade flows, namely Algeria, China, India, and the US. Interestingly, this edition of the TIBR puts increased emphasis on the economic effects of the trade barriers, underlining the important impact of the related measures. According to the TIBR, of the four new barriers recorded for China, one new barrier alone in the information and communications technology (ICT) sector could have an economic impact of EUR 25.7 billion on affected trade flows, significantly more than the barriers in other countries. The impact on trade flows by barriers maintained by India and the US then follows, both potentially affecting trade flows worth nearly EUR 7 billion. Apart from the key barriers resulting from the additional tariffs imposed by the US on steel and aluminium, and the impending additional tariffs on cars and car parts, the TIBR refers to barriers affecting banks and insurers, wooden parquet, as well as trade in apples and pears. The situation in Algeria, which is linked to the EU under the EU-Algeria Association Agreement, is also increasingly worrisome for EU businesses. In 2018, Algeria introduced a temporary import ban on 877 products, a measure that was further amended earlier this year. Additionally, Algeria significantly increased custom duties on a list of 129 tariff lines.

The third section of the TIBR identifies the tools used in the EU's Market Access Strategy to address the identified trade barriers and reviews the 35 trade barriers that were successfully resolved in 2018. Finally, the TIBR elaborates on the economic gains generated by the EU's Market Access Partnership during the term of the current Commission and on the basis of economic modelling. The TIBR concludes that the findings confirmed "*that protectionism is on the rise and that trade barriers increasingly affect EU stakeholders*".

Similarly, the WTO's *Report on G20 trade measures* for the period from October 2018 to May 2019 found "*a dramatic spike in the trade coverage of import-restrictive measures*". Since 2009, the WTO Secretariat publishes the G20 (*i.e.*, the Group of 20, which consists of Argentina, Australia, Brazil, Canada, China, the EU, France, Germany, India, Indonesia, Italy, Japan, the Republic of Korea, Mexico, Russia, Saudi Arabia, South Africa, Turkey, the UK, and the US) trade monitoring reports in response to the request by G20 Leaders to monitor and report on trade and investment measures implemented by G20 economies.

The report notes that, between October 2018 and May 2019, G20 economies implemented 20 new trade-restrictive measures, which include increased tariffs, import restrictions and new customs procedures for exports. On a positive note, the WTO found that fewer measures were introduced than in previous reporting periods, but, importantly, the scale and impact of those measures has much increased in terms of their trade coverage and the level of tariffs imposed. However, the decrease appears less significant taking into account that, in the previous reporting period, a record number of new measures had been reported. More specifically, the trade coverage of import-restrictive measures during the reviewed period is estimated at USD

335.9 billion, the second highest figure on record, after the USD 480.9 billion reported in the previous reporting period. Notably, the report underlines that a certain number of potentially significant and damaging trade-restrictive measures remain under consultation for potential later implementation (*e.g.*, additional tariffs, retaliatory measures, non-tariff measures) and could further add to the current trend.

It can be considered a fundamental change in the approach by certain countries that trade disputes are now carried out to the detriment of trade without first and foremost resorting to negotiations and dispute settlement, with a view to reaching amicable or adjudicated solutions. While trade measures are typically related to a limited number of specific sectors, the domino effect of reactions and retaliatory measures then tremendously extends the scope of the affected sectors and products.

But even when WTO Members resort to dispute settlement concerning specific policies, other sectors might eventually be affected. One example is the longstanding trade dispute over subsidies to airplane manufacturers *Airbus* and *Boeing* by the EU and the US, respectively. The disputes have been ongoing since 2004 and have since occupied adjudicators at all stages of WTO dispute settlement. The two disputes have now reached the final stage and, accounting for the fact that the WTO determined that both sides did not entirely comply with the rulings, WTO arbitrators are scheduled to determine during the coming weeks the rights of the EU and the US to impose compensatory tariffs on each other's products. While US President Trump has been publicly announcing the potential imposition of additional duties worth USD 11 billion, and the Office of the US Trade Representative published a preliminary list of affected products, the EU is reportedly continuing its efforts to find a negotiated solution and to avoid the imposition of retaliatory duties. Importantly, the additional duties would concern sectors and products that are not necessarily related to the aviation industry. The US envisages, *inter alia*, additional duties on EU's agri-food products (notably fish and dairy products, such as specialty cheese, and wine), as well as on various metals (*e.g.*, iron, copper, zinc). For the possible scenario that no solution can be agreed with the US, the EU has also prepared a preliminary list of products originating in the US that could be subject to additional duties when imported into the EU. The list contains a number of agri-food products (*e.g.*, fish, fruit and vegetables, nuts, a multitude of processed food products, as well as wine and spirits), certain chemical substances, machinery, as well as playing cards and video game consoles.

Highly integrated global supply chains make businesses increasingly depended on seamless trade, but as the EU and WTO reports show, trade is not as seamless anymore as it could and should be, in particular if international trade disciplines were respected. Businesses must monitor any development that could affect their supply chains, as trade measures, such as additional tariffs or new restrictive or discriminatory non-tariff measures, could disrupt the trade flows and prove very costly. At the same time, if timely and properly addressed with the competent authorities, who may be unaware of the implications for certain sectors, such negative implications can often be avoided or mitigated.

An Advocate General of the Court of Justice of the EU holds that the origin of Israeli settlement goods should be indicated – legal issues surrounding '*ethical considerations*' in food law

On 13 June 2019, Advocate General Gerard Hogan at the Court of Justice of the EU (hereinafter, CJEU) delivered his Opinion in Case C-363/18 *Organisation Juive Européenne, Vignoble Psagot Ltd v Ministre de l'Economie et des Finances* and proposed to the Judges at the CJEU that "*EU law requires, for a product originating in a territory occupied by Israel since 1967, the indication of the geographical name of this territory and, where it is the case, the indication that the product comes from an Israeli settlement*". Besides the issue of origin labelling of Israeli settlement goods, the opinion addresses the likely controversial matter of '*ethical considerations*' in EU food law.

On 24 November 2016, referring to *Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers* (hereinafter, FIR), the French Ministry for the Economy and Finance, through its Directorate-General for Competition, Consumer Affairs and Fraud Control (*i.e.*, *Direction Générale de la Concurrence, de la Consommation et de la Répression des Frauds*, DGCCRF) published a notice to economic operators concerning the indication of the origin of goods originating in the territories occupied by Israel since 1967, specifying that "*Foodstuffs from the territories occupied by Israel must (therefore) be labelled to reflect this origin*". According to the notice, products having such an origin have to include the term "*Israeli settlement*" or equivalent terms. By two applications, the *Organisation Juive Européenne* and *Vignoble Psagot Ltd* (a company specialising in the exploitation of vineyards located in particular in the territories occupied by Israel) sought the annulment of the notice before the French Council of State (*i.e.*, *Conseil d'État*). The Council of State considered that the compatibility of the French notice with EU law depended on whether the latter requires, for a product originating in a territory occupied by Israel since 1967, an indication of that territory and an indication that the product originates from an Israeli settlement if that were the case, or, if not, whether the provisions of the FIR allow an EU Member State to require such products to carry such labels. The Council of State has, therefore, referred the matter to the CJEU.

In the Opinion published on 13 June 2019, Advocate General Hogan first examined the meaning of the terms '*country of origin*' and '*place of provenance*' in the light of the FIR. The Advocate General found that while '*country of origin*' clearly refers to the names of countries and their territorial sea, according to the FIR the '*place of provenance*' of a foodstuff is determined by means of words that are not necessarily limited to the name of a geographical area, especially, where the use of a geographic indicator alone might be apt to mislead.

In light of these definitions, the Advocate General asked whether the absence of the indication of the origin or place of provenance of a foodstuff originating in a territory occupied by Israel could mislead the consumer. In this respect, the Advocate General reviewed the criteria listed in the FIR, which are considered to influence the consumers' choice, namely, health, economic, environmental, social and ethical considerations. The Advocate General reiterated that the average consumer is one who is reasonably well informed, and reasonably observant and circumspect, as to the origin, provenance and quality associated with the foodstuff. He argued that it could not be excluded that the situation of a territory occupied by an occupying power, even more so when territorial occupation is accompanied by settlements, is a factor that may be important to the choice of a reasonably well informed, and reasonably observant and circumspect consumer, in a context where, in accordance with the FIR, differences in the consumers' perceptions and their information needs must be taken into account, including ethical considerations. Notably, Article 3(1) of the FIR insists on the need for final consumers to make informed choices and to make safe use of food "*with particular regard to health, economic, environmental, social and ethical considerations*".

Contrary to the argument advanced by *Organisation Juive Européenne* at the oral hearing on 9 April 2019, the Advocate General did not interpret the reference to '*ethical considerations*' in the FIR as referring to ethical considerations in the context of food consumption only. He argued that, certainly, consumers might well object to the consumption of certain foods because of their own religious or ethical beliefs (such as, for example, vegetarianism). One could equally envisage circumstances in which consumers might object to the consumption of certain foods because of the manner in which the animals in question were treated either generally or prior to slaughter.

In the view of the Advocate General, the reference to '*ethical considerations*' in the context of country of origin labelling is plainly a reference to "*wider ethical considerations which may inform the thinking of certain consumers prior to purchase*". Just as many consumers in the EU objected to the purchase of South African goods in the pre-1994 apartheid era, according to Hogan, today's consumers may object, on similar grounds, to the purchase of goods from a particular country because, for example, it is not a democracy or because it pursues particular political or social policies that consumers happen to find objectionable. Therefore, the

Advocate General noted that, in the context of the Israeli policies *vis-à-vis* the Occupied Territories and the settlements, there may be some consumers who would object to the purchase of products originating from the territories. Hogan added that it is rather sufficient to say that a violation of international law constitutes the kind of ethical consideration that the EU legislature acknowledged as legitimate in the context of requiring country of origin information. In this respect, Advocate General Hogan referred to several international instruments before finding that the Israeli settlement policy is regarded as a manifest breach of international law, in particular on the basis of the right of peoples to self-determination. He adds that the CJEU had already recognised in the judgment in Case C-386/08 *Brita v Hauptzollamt Hamburg-Hafen* the need to make a clear distinction between products originating in the territory of Israel and those originating in the West Bank.

In these circumstances, the Advocate General underlined that it is "*hardly surprising that some consumers may regard this manifest breach of international law as an ethical consideration that influences their consumer preferences*" and, in respect of which, they may require further information. Therefore, he concluded that "*the absence of the indication of the country of origin or place of provenance of a product originating in a territory occupied by Israel and, in any event, a settlement colony, might mislead the consumer as to the true country of origin or place of provenance of the food*". This is based on Article 26(2) of the FIR, which provides that the indication of the country of origin or place of provenance is mandatory "*where failure to indicate this might mislead the consumer as to the true country of origin or place of provenance of the food, in particular if the information accompanying the food or the label as a whole would otherwise imply that the food has a different country of origin or place of provenance*".

The Advocate General concluded that the CJEU should rule that EU law requires, for a product originating in a territory occupied by Israel since 1967, the indication of the geographical name of this territory and the indication that the product comes from an Israeli settlement, if that is the case. The Advocate General then looked at the second (alternative) question at hand, namely whether EU Law allows EU Member States to introduce national measures with additional mandatory particulars, such as whether an EU Member State may itself require indication of the territory of a product originating in a territory occupied by Israel since 1967 and, in addition, that this product comes from an Israeli settlement, if that is the case. In this context, Advocate General Hogan referred to Article 39(2) of the FIR, which provides that national measures concerning the mandatory indication of the country of origin or place of provenance of foodstuffs are only authorised where there is "*a proven link between certain qualities of the food and its origin or provenance*", and found that under this particular provision of the FIR it is not sufficient that the country of origin or place of provenance has, as such, a certain importance to the consumers' decision. On the contrary, so far as this particular provision is concerned, the country of origin or the place of provenance must have a tangible impact with respect to the product itself and, in particular, the quality of the food in question. The Advocate General noted that the fact that a territory is occupied by an occupying power, or that a particular foodstuff is produced by a person living in a settlement, is not likely to give or modify certain qualities of the foodstuff in relation to its origin or provenance, at least so far as the food products originating in the Occupied Territories are concerned. Therefore, in the event that the CJEU were not to accept his analysis on this first question, Advocate General Hogan proposed that the CJEU rule that EU Member States may not require the indication of the territory of a product originating in a territory occupied by Israel since 1967, nor that such product come from an Israeli settlement.

Labelling claims are often made in the context of ethical criteria, such as sustainability, environmental protection, animal welfare, or labour conditions. While such claims are increasingly important to the food industry and consumers, there is not much jurisprudence on the topic of ethical considerations. In 2012, the Higher Regional Court of Munich, for example, ruled that the indication '*the fair milk*', together with a statement on the fair remuneration of the milk producer, was not misleading if a higher price, which in fact, covered the actual costs, was actually paid for the milk at issue. As regards misleading statements on the social or ethical considerations of a food, the various sustainability labels are relevant. Here, it can be argued that, if specific claims gave rise to an objectively false impression about, for example,

environmental standards, labour conditions, or animal welfare, these claims would have to be considered as misleading. In general, it must be noted that claims on ethical considerations are often very abstract and vague, so that their meaning is not clear. Arguably, the more general a claim is, the more there is a danger that it be considered as misleading. It should, therefore, be clearly substantiated on the food product, or eventually in related marketing campaigns, which measures have been taken with which aim, be it a specific sustainability, environmental, or animal welfare objective.

The Advocate General's Opinion on ethical considerations on origin labelling is not binding on the Judges of the CJEU. It is the role of the Advocates General to propose to the Judges, in complete independence, a legal solution to the cases for which they are responsible. The Judges of the CJEU are now beginning their deliberations in this case and a decision can be expected in the coming months. Any ruling on labelling requirements may have important implications for international trade. Stakeholders should, therefore, closely monitor the judgement of the CJEU in this case. Stakeholders should also ensure that regulators are aware of the various factors and the potential implications of '*ethical*' considerations in food law.

Recently Adopted EU Legislation

Customs Law

- *Commission Implementing Decision (EU) 2019/1005 of 19 June 2019 determining that a temporary suspension of the preferential customs duty is not appropriate for imports of bananas originating in Nicaragua*

- *Council Regulation (EU) 2019/999 of 13 June 2019 amending Regulation (EU) No 1387/2013 suspending the autonomous Common Customs Tariff duties on certain agricultural and industrial products*

- *Council Regulation (EU) 2019/998 of 13 June 2019 amending Regulation (EU) No 1388/2013 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products*

Trade Remedies

- *Commission Implementing Regulation (EU) 2019/1099 of 27 June 2019 amending Council Implementing Regulation (EU) No 412/2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ceramic tableware and kitchenware originating in the People's Republic of China*

Food and Agricultural Law

- *Commission Implementing Regulation (EU) 2019/1098 of 26 June 2019 amending Regulation (EC) No 1484/95 as regards fixing representative prices in the poultrymeat and egg sectors and for egg albumin*

- *Council Regulation (EU) 2019/1097 of 26 June 2019 amending Regulation (EU) 2019/124 as regards certain fishing opportunities*

- *Commission Regulation (EU) 2019/1091 of 26 June 2019 amending Annex IV to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards the requirements for export of products containing processed animal protein derived from ruminants and non-ruminants*

- *Council Decision (EU) 2019/1028 of 14 June 2019 on the position to be taken on behalf of the European Union within the Council of Members of the International Olive Council as regards trade standards applying to olive oils and olive pomace oils*

- *Commission Implementing Regulation (EU) 2019/1013 of 16 April 2019 on prior notification of consignments of certain categories of animals and goods entering the Union*

Other

- *Council Decision (EU) 2019/1096 of 25 June 2019 on the signing, on behalf of the Union, of the Investment Protection Agreement between the European Union and its Member States, of the one part, and the Socialist Republic of Viet Nam, of the other part*

- *Commission Implementing Regulation (EU) 2019/1101 of 27 June 2019 renewing the approval of the active substance tolclofos-methyl in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 (Text with EEA relevance.)*

- *Commission Implementing Regulation (EU) 2019/1100 of 27 June 2019 concerning the non-renewal of approval of the active substance desmedipham, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 (Text with EEA relevance.)*

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