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EU-US agreement on limited tariff reductions by the EU and tariff elimination for US lobster products: A step towards easing transatlantic trade tensions, with Canada '*picking up the tab*'?

On 21 August 2020, the (now former) European Commissioner for Trade *Phil Hogan* and the United States Trade Representative (hereinafter, USTR) *Robert Lighthizer* issued a Joint Statement announcing an agreement on tariff reduction for certain EU and US goods. On the basis of their agreement, the EU will eliminate tariffs on live and frozen US lobster products, while the US will reduce by 50% its tariffs imposed on a range of EU products, including prepared meals and certain crystal glassware. The tariff changes by both parties apply on a most-favoured-nation (hereinafter, MFN) basis to all trading partners and will apply retroactively since 1 August 2020. This is the first agreement on mutual tariff reductions between the EU and the US in more than two decades. It is perhaps the first tangible sign of a new approach to overcome the *tit-for-tat* retaliations of recent times and at renewed dialogue and trade cooperation.

A difficult trade relationship in recent times

In 2018, trade-related tensions between the EU and the US increased due to the imposition of additional duties on steel and aluminium imports by the US. On 25 July 2018, given the US threat of additional duties on auto imports from the EU, then President of the European Commission, *Jean-Claude Juncker*, and US President *Donald Trump* held a meeting at which they agreed on a variety of trade-related issues to be addressed by the two sides and within a newly-formed Executive Working Group: 1) Working together to reach zero tariffs, zero non-tariff barriers, and zero subsidies on non-auto industrial goods; 2) Strengthening strategic cooperation with respect to energy, increasing EU imports of liquified natural gas (LNG) from the US; 3) Launching a close dialogue on standards in order to ease trade, reduce bureaucratic obstacles, and reduce costs; and 4) Working closely together with like-minded partners to reform the World Trade Organization (hereinafter, WTO) (see *Trade Perspectives*, Issue No. 15 of 27 July 2018).

Additionally, the EU and the US agreed to work together to reduce barriers and increase trade in services, chemicals, pharmaceuticals, medical products, as well as soybeans. In 2019, the US and the EU published their respective negotiating objectives for a comprehensive trade agreement, but the US negotiating directives contained the sensitive area of agricultural products, which was supposed to remain outside of the scope. In view of the diverging directives, no comprehensive trade negotiations were launched. Rather, a number of individual issues were addressed, notably an agreement on imports of high-quality US beef into the EU

(see *Trade Perspectives*, Issue No. 13 of 28 June 2019). Since October 2019, the US is imposing additional duties in the total amount of USD 7.5 billion on certain EU goods, implemented as countermeasures in the long-standing *Airbus* dispute with the EU regarding civil aircraft (see *Trade Perspectives*, Issue No. 19 of 18 October 2019).

An advantage for all trading partners?

As noted above, the EU and the US agreed on mutual tariff reductions. More specifically, the EU will fully eliminate tariffs on imports of live and frozen lobster products, which so far stood at 8% for live lobsters and at up to 20% for processed lobster products. US exports of live and frozen lobster products to the EU had a value of more than USD 111 million in 2017. For its part, the US will reduce by 50% its tariff rates on certain products, including on certain prepared meals, certain crystal glassware, surface preparations, propellant powders, cigarette lighters and lighter parts. US imports of those products originating in the EU have an average annual trade value of USD 160 million. Both sides will make these adjustments on an MFN basis and will apply the changes retroactively from 1 August 2020.

Both parties agreed to apply the changes for a period of five years. The European Commission already committed to apply the changes permanently, while no such commitment appears to have been made by the US. Still, unless this change in their respective applied rates of duty were to lead to a change in their bound rates within their respective WTO Schedules of Concessions, they are not, legally-speaking, permanent. In the EU, the changes still require a decision by the Council of the EU and the consent of the European Parliament.

The MFN principle, enshrined in Article I of the General Agreement on Tariffs and Trade (hereafter, GATT), represents one of the cornerstones of WTO trade disciplines and aims at avoiding discrimination between WTO Members when it comes to trade. More specifically, it establishes that, generally, any more favourable trading condition that is granted to a WTO Member must be extended to all other WTO Members as well. The main exception to this principle concerns preferential trade agreements, which must cover "*substantially all the trade*" between the concerned WTO Members. Given that the EU and the US did not negotiate such broader trade agreements, they are obliged to adhere to the general WTO disciplines, including the MFN principle. In simple terms, this means that the agreed tariffs eliminations and reductions also apply to all other trading partners.

US lobsters - an important concern for the US Administration, but a negative impact for Canadian exporters?

The application on an MFN basis may have important implications for trading partners of the EU and the US and affect the delicate balance in trade preferences negotiated under preferential trade agreements. For instance, following the application of the Comprehensive Economic and Trade Agreement (hereinafter, CETA) between the EU and Canada, which eliminated EU tariffs for lobster products, Canada became the main source for lobster imports into the EU, notably benefitting from a competitive advantage vis-à-vis US producers that were still subject to tariffs of up to 20%.

On 24 June 2020, US President Trump had issued a *Presidential Memorandum on Protecting the United States Lobster Industry*, which discusses retaliatory tariffs by China on US lobster products, a call for "*assistance to fishermen and producers in the United States lobster industry that continue to be harmed by China's retaliatory tariffs*", as well as the impact of the CETA between the EU and Canada. More specifically, with respect to the CETA, US President Trump ordered the USTR to "*request that the United States International Trade Commission (USITC) provide a report that details any negative effects of the CETA on the United States lobster industry*" and to "*recommend appropriate actions that may be taken to minimize or eliminate any negative effects identified in the USITC report*". A report is set to be published in January 2021.

The full removal by the EU of tariffs for live and frozen lobster products from the US looks poised to benefit US lobster producers, namely in the State of Maine, and lead to an increase of their exports to the EU. This will, inevitably, generate additional competition for Canadian lobster producers and the partial erosion of the advantage offered to Canada by the EU under the CETA.

A first step towards easing trade tensions?

While the agreement reached on tariffs on certain goods does represent a first step towards more constructive dialogue on trade matters between the EU and US, the upcoming US Presidential election and the recent resignation of Commissioner for Trade *Hogan* suggest continued uncertainty. USTR *Lighthizer* and former Commissioner *Hogan* stated that they intended "*for this package of tariff reductions to mark just the beginning of a process that will lead to additional agreements that create more free, fair, and reciprocal transatlantic trade*". It remains to be seen if both sides can live up to this commitment in the coming months. Businesses around the world should carefully assess the implications for their trade.

Can currency undervaluation be considered a subsidy? New US rules on countervailing duties are applied for the first time

On 24 August 2020, the US Department of the Treasury (hereinafter, Treasury Department) provided the US Department of Commerce (hereinafter, DoC) with an assessment regarding currency undervaluation "*for a pending countervailing duty proceeding*". The assessment is part of the DoC countervailing duty investigation regarding '*Passenger Vehicle and Light Truck Tires from the Socialist Republic of Vietnam*'. This is the first assessment by the US Treasury Department under new US rules, which allow the DoC to consider currency undervaluation as a form of subsidy when determining anti-subsidy duties and potentially increasing such duties. However, the new US regulations raise questions on their compatibility with WTO rules.

Modifications of the US countervailing duty law

On 28 May 2019, the US published in its *Federal Register* a proposal for the '*Modification of Regulations Regarding Benefit and Specificity in Countervailing Duty Proceedings*', prepared by the DoC. The proposal was open for comments from 28 May to 27 June 2019. Earlier this year, on 6 April 2020, the US published in its *Federal Register* the final text, with two modified regulations pertaining "*to the determination of benefit and specificity in countervailing duty proceedings*". These modifications clarify how the DoC would "*determine the existence of a benefit when examining a subsidy resulting from currency undervaluation and clarify that companies in the traded goods sector of the economy can constitute a group of enterprises for purposes of determining whether a subsidy is specific*".

The changes published on 6 April 2020 concern the modification of Section 351.502 of Title 19 on *Customs Duties* of the Code of Federal Regulations (hereinafter, 19 CFR 351.502) and the new Section 19 CFR 351.528 on *Exchanges of undervalued currencies* (hereinafter, 19 CFR 351.528). Firstly, 19 CFR 351.502 addresses the "*specificity of domestic subsidies*". Section 771(5A)(D)(i) and (ii) of the Tariff Act of 1930 determines that a domestic subsidy is provided "*where the national authority expressly limits such subsidy to a domestic enterprise or industry or group of enterprises or industries*". A new paragraph (c) was added into 19 CFR 351.502 regarding the '*Traded goods sector*', which provides that "*in determining whether a subsidy is being provided to a "group" of enterprises or industries within the meaning of section 771(5A)(D) of the Act, the Secretary normally will consider enterprises that buy or sell goods internationally to comprise such a group*". In the US Federal Register, the DoC explains that the new paragraph aims at providing clarification for the traded goods sector by filling the gap under Section 771(5A)(D), which states that a subsidy can be specific if provided to a group of enterprises, but did not define the meaning of the word "*group*".

Secondly, the insertion of the new Section 19 CFR 351.528 aims at providing guidance to the DoC when determining whether there has been: 1) An undervaluation; and 2) A benefit when examining a potential subsidy "*resulting from the exchange of an undervalued currency*". The Section provides a three-pronged test to determine whether the exchange of an undervalued currency consists in a subsidy: 1) '*Currency undervaluation*'; 2) '*Benefit*'; and 3) '*Information sources*'. The first step is a prerequisite to continue with the analysis of whether a benefit was conferred. To determine if a currency is undervalued, the DoC will "*normally*" take into account two elements: 1) "*The gap between the country's real effective exchange rate (REER) and the real effective exchange rate that achieves an external balance over the medium term that reflects appropriate policies (equilibrium REER)*"; and 2) Whether there has been "*government action on the exchange rate that contributes to an undervaluation of the currency*". In its assessment, the DoC will consider the level of transparency of the respective Government's exchange rate policy. The second step is only to be considered if the prerequisite is fulfilled. To determine the benefit, the DoC will examine the difference between "*the nominal, bilateral U.S. dollar rate consistent with the equilibrium REER, and the actual nominal, bilateral dollar rate during the relevant time period*". If a benefit exists, namely an advantage for the exporting companies, the DoC is to determine the amount of the benefit. In order for the DoC to complete its investigation, the legislation foresees a third step in which the DoC is to request an evaluation and conclusion from the US Treasury Department on whether a currency is indeed undervalued. This assessment by the US Treasury Department is then to be taken into account by the DoC to finally determine whether a currency has been undervalued.

The assessment by US Department of the Treasury

Viet Nam has already been subject to increased attention and monitoring by the US Treasury Department in relation to '*currency manipulation*'. In 2019, Viet Nam was added to a list of 21 economies covered by the US Treasury Department's semi-annual report on '*Macroeconomic and Foreign Exchange Policies of Major Trading Partners of the United States*'.

Since May 2020, the DoC has been conducting a countervailing duty investigation on '*Passenger Vehicle and Light Truck Tires from the Socialist Republic of Vietnam*'. In July 2020, as part of the investigation, the DoC requested an evaluation from the US Treasury Department regarding Viet Nam's currency valuation. On 24 August 2020, the US Treasury Department submitted its assessment to the DoC. The assessment determined that Viet Nam's currency, the Vietnamese *đồng*, was undervalued in 2019 by about 47% against the US dollar. According to the assessment, this was, in part, due to "*government action on the exchange rate*". The assessment notes that, in 2019, the State Bank of Viet Nam facilitated net purchases of about USD 22 billion of foreign exchange, which had the effect of undervaluing Viet Nam's currency to a range between 4.2% and 5.2%. Therefore, the purchases have been estimated to have decreased the real effective exchange rate of the Vietnamese *đồng* by 3.5% to 4.8%. The real effective exchange rate (REER) is defined as "*the weighted average of a country's currency in relation to an index or basket of other major currencies*".

The DoC will now analyse the assessment provided by the US Treasury Department and is scheduled to publish the final report on its countervailing duty investigation on 30 October 2020. In case the US Administration were to impose countervailing duties on Viet Nam's products, Viet Nam would have the option to initiate a case before the WTO.

Can an undervalued currency be considered a subsidy?

Under international trade law, subsidies are regulated by the Agreement on Subsidies and Countervailing Measures (hereinafter, SCM Agreement) of the World Trade Organization (hereinafter, WTO). The WTO SCM Agreement defines subsidy as "*a financial contribution from a government or any public government that confers a benefit specific to an enterprise or industry or a group of enterprises or industries*". The WTO SCM Agreement uses the so-called '*traffic light*' system to differentiate between lawful and unlawful subsidies. Export subsidies and import substitution subsidies are prohibited subsidies, indicated by a '*Red light*' (Articles 3 and 4 of the WTO SCM Agreement). Export subsidies and import substitution subsidies are

per se illegal and "*irrebuttably presumed to be specific, and irrebuttably presumed to cause an adverse effect*". Actionable subsidies (Articles 5 to 7 of the WTO SCM Agreement) are subsidies that do not fall in any other category and are categorised as either a '*Yellow*' or '*Dark amber*' *light*. For '*Yellow light*' actionable subsidies, a countervailing measure may only be imposed if it is proven that such subsidy is "*specific*" and causes an "*adverse trade effect*". A '*Dark amber light*' subsidy is rebuttably considered to cause "*serious prejudice*", but its specificity needs to be proven. Finally, a '*Green light*' is accorded to non-actionable subsidies (Articles 8 and 9 of the WTO SCM) that are considered to be lawful. There are three kinds of '*Green light*' subsidies: 1) Support for fundamental research and development; 2) Assistance to a disadvantaged region within the territory of a WTO Member; and 3) Assistance to promote environmental adaptation.

The question is whether the new US regulations considering the undervaluation of a currency as a subsidy are in compliance with WTO rules. Two aspects must be considered: 1) Whether the undervaluation of a currency can be considered as a financial contribution, which is the main element of the definition of a subsidy; and 2) Whether the undervaluation of a currency can be considered to confer a benefit to a specific enterprise or industry or to a group of enterprises or industries.

A currency is undervalued when the rate at which it can be exchanged for another world currency is too low. The mere fact that a low exchange rate might benefit Vietnamese exports does not indicate that a '*financial contribution*' has been made by the Government of Viet Nam to its domestic exporters. Even if it is considered that exporters are benefiting from the undervaluation of the currency, the benefit does not derive from an explicit transfer of money, goods or services, or from a fiscal incentive or revenue foregone by the Government of Viet Nam to the exporters. Therefore, the condition of '*financial contribution*' is not fulfilled.

Additionally, the element of '*specificity'* must be considered. For a subsidy to be prohibited, it must also be specific. The application of the monetary policy of Viet Nam, which governs the rules for the valuation of its currency, is not specifically applicable to a particular industry or enterprise, but to the entire economy. Therefore, in order to meet the specificity requirement, it must qualify as a subsidy contingent upon export performance. It does not appear that the monetary policy of Viet Nam is contingent upon Vietnamese traders' export performance and so the alleged '*subsidy*' does not arguably meet the specificity requirement. It is in this regard, that the US has modified its regulation so that the specificity requirement be met, prescribing that all enterprises or industries "*that buy or sell internationally*" comprise the '*traded goods sector*'. However, even in the US' broad definition that all enterprises or industries that sell or buy internationally are considered as a group, the undervaluation of a currency would not seem to apply specifically to a group, but rather to the entire economy.

Possible implications

The new US rules aim at preventing countries from manipulating currency exchange rates that cause the undervaluation of a currency, benefitting exporters and harming US enterprises and industries. Currently, these new rules are only applicable with respect to US regulations on countervailing duties. Traders in Viet Nam and around the world should closely monitor the developments of this investigation and the possible broader implications of these new US instruments. The determination by the US Treasury Department in the context of a countervailing duty investigation that Viet Nam's currency is undervalued could also increase the possibility that the US Treasury Department designate Viet Nam, and other countries in the future, as a "*currency manipulator*", perhaps even applying a blanket tariff measure against all exports in order to offset the distortion, either by means of tariff increases or through customs valuation. As rules or their application are individually re-written, it is difficult to predict how far these measures will go.

Japan revises labelling rules for food additives on "*artificial*" and "*additives-free*" claims

On 16 July 2020, Japan's Consumer Affairs Agency (hereinafter, CAA) announced a revision to Japan's food labelling standards. In particular, the revision implements new provisions aimed at prohibiting the use of terms such as "*artificial*" and "*synthetic*" in association with food additives when they are declared on the basis of their functional name (*e.g.*, preservatives, colourants, or sweeteners). The revision was decided on the basis of research showing that Japanese consumers were found to avoid products carrying such indications. The issue of labelling and claims related to food additives is subject to different regulatory approaches around the world and the article draws a comparison to "*artificial*" and "*additives-free*" claims related to food additives in the EU.

Food labelling in Japan

The reform relating the use of terms such as "*artificial*" and "*synthetic*", in association with food additives, comes only a few years after the Government of Japan carried out a comprehensive food labelling revision, implementing the *Food Labelling Act No. 70 of 28 June 2013* (hereinafter, Food Labelling Act), which entered into force on 1 April 2015. Japan's *Food Labelling Act* and the *Cabinet Office Ordinance No. 10 of 2015*, which establishes specific rules under the *Food Labelling Act*, consolidated 58 different standards previously included in three different pieces of legislation, namely the *Japanese Agricultural Standards Act No. 175 of 11 May 1950*, the *Health Promotion Act No. 103 of 2002*, and the *Food Sanitation Act No. 233 of 24 February 1947* (hereinafter, the Food Sanitation Act). Some of the most significant changes implemented in 2015 by the *Food Labelling Act* concerned new labelling requirements for food additives, as well as the harmonisation of the rules on nutrition claims with the *Codex Alimentarius Guidelines for Use of Nutrition and Health Claims CAC/GL 23-1997*.

Article 4(2) of the *Food Sanitation Act* provides that "*the term food additive shall mean a substance which is used by being added, mixed or infiltrated into food or by other methods in the process of producing food or for the purpose of processing or preserving food*". In Japan, manufacturers are required to label all food additives by their substance names, other commonly used names, or abbreviated names. With respect to food additives intended for some specific functions (*i.e.*, as a preservative, sweetener, food colouring, food colour former, thickener/stabiliser/gelling agent, antioxidant, or bleaching agent), the label must provide the additive's function and substance name (*e.g.*, preservative (sorbic acid)). Finally, in an effort to facilitate consumer understanding, for the following categories of food additives, a collective name is allowed in labelling: yeast, gum base, brine, bittering agent, enzyme, glazing agent, flavouring agent, acidifier, softener, umami seasoning, tofu coagulant, emulsifier, pH adjuster, and leavening agent.

The CAA's report on food labelling and the new rules

On 31 March 2020, the CAA issued a report on a meeting of Japan's Food Additive Labelling Mechanism, which was prepared by the Study Group on Food Additive Labelling System. The report is based on two surveys conducted by the CAA in 2017, namely a consumer intention survey and a fact-finding survey on Japan's food additives labelling system, which show that consumers in Japan are more likely to avoid a food product when its label suggests the use of artificial food additives, even when those additives are authorised by law. Therefore, the CAA decided not to distinguish anymore between artificial food additives and natural food additives in food labelling. The implementation of the new rules will require that the association of the terms "*artificial*" or "*synthetic*" to food additives, namely preservatives, sweeteners, food colourants, and flavours, be avoided.

The revision of the food labelling standards in Japan will have an impact not only on the labelling of food additives, but also on possible claims associated to food additives made by food business operators on their products. The *Cabinet Office Ordinance No. 10 of 2015*

regulates nutrition claims in line with relevant international standards. As regards food labelling, Appendix 6 to the *Cabinet Office Ordinance No. 10 of 2015* establishes that sweeteners may be named as "*sweeteners, artificial sweeteners or synthetic sweeteners*", colourants as "*colorants or synthetic colorants*", preservatives as "*preservatives or synthetic preservatives*" and Appendix 7 notes that flavours may be referred to as "*fragrances or synthetic flavours*". Under the new rules announced on 16 July 2020, sweeteners, colourants, and preservatives will no longer be allowed to be supplemented with terms such as "*artificial*" and "*synthetic*" when they are declared by their function names. In the same way, flavours may only be indicated as "*flavours*" and their association with the term "*artificial*" will no longer be permitted. Furthermore, the use of the term "*natural*" and similar expressions remains prohibited. The negative "*additive-free*" claim is currently not regulated by Japan's *Food Labelling Act* or related implementing legislation.

Rationale for the revision

The decision to ban the terms "*artificial*" and "*synthetic*" in association to food additives has been justified by the CAA with the finding that, on the basis of the surveys, the majority of consumers in Japan consider the information on food additives on the foodstuff's label at the moment of making their purchasing decision. Therefore, the negative perception apparently conveyed by the terms "*artificial*" or "*synthetic*" may potentially be harmful to sales.

The term "*natural*", in association with food additives, is prohibited by Japan's *Food Labelling Act* for the reason that food business operators might exploit the consumers' perception that natural food additives are less harmful to human health than artificial and synthetic food additives. However, it must be noted that, in any event, information such as "*artificial preservative*" does not appear to be commercially beneficial for food business operators, unless it is associated to a claim like "*free-from artificial sweeteners*", which must be regulated by competent authorities in order to not mislead consumers.

As noted above, this revision comes only a few years after a comprehensive review of Japan's labelling legislation and a further revision of the food labelling standard in relation to "*additives-free*" claims has already been announced by the CAA. The forthcoming revision is supposed to aim at avoiding confusion in case of a voluntary use of such claims by food business operators. For instance, some wine manufacturers have been found advertising their product as "*antioxidant-free*", though antioxidants may possibly be carried over from concentrated grape juice.

'Artificial' and 'Additives-free' claims related to food additives in the EU

In the EU, the regulatory environment related to additive-related claims presents some differences vis-à-vis Japan. For instance, Japanese legislation requires the most part of food additives to be labelled indicating their category name followed by their specific name, while in the EU, the legislation provides different options. Articles 20 and 21 of *Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives* provides for general labelling rules for food additives. In addition, Part C of Annex VII of *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, FIR) provides that food additives must be designated by the name of that category (*e.g.*, colour, preservative, gelling agent, etc.), followed by their specific name or, if appropriate, E number.

With respect to claims, in the EU, so-called '*clean label*' claims, such as '*additives-free*' or '*free-from preservatives*', have to be analysed on a case-by-case basis and may, in principle, be made as long as they are true and the use of additives in such foods is legal. *Regulation (EC) No 1333/2008* indicates the specific additives that are permitted in specific categories of food. For instance, for fresh fruit, *inter alia*, only a very limited number of additives are permissible. If the use of additives for a category of foodstuffs is not permitted at all, a claim '*additives-free*' might suggest that the foodstuff possesses special characteristics when, in fact, all similar foodstuffs possess such characteristics. Such advertisement, based on self-evident product

information, is misleading according to Article 7(1)(c) of the FIR, which provides that food information must not be misleading, particularly "*by suggesting that the food possesses special characteristics when in fact all similar foods possess such characteristics, in particular by specifically emphasising the presence or absence of certain ingredients and/or nutrients*".

Another example from the practice is the claim '*without sweetener*' on a food where sweeteners are not permitted according to *Regulation (EC) No 1333/2008*. The misleading nature of this claim can be resolved by adding the words '*according to law*' to the claim. In another case, the German Working Group of Experts of Food Chemistry of the Federal States and the Federal Office for the Protection of Consumers and Food Security (ALS, in its German acronym) held in its *Opinion No 2012/24*, that the claim '*no preservatives*' on beverages that contain sulphur dioxide due to a fruit wine component, which at the same time states '*contains sulphites*' (required by the FIR when the presence of the allergen sulphur dioxide is higher than 10 mg) is contradictory and therefore not possible.

In another example from Germany, the ALS held that the designation '*artificial*' in combination with food colourants is misleading. In its *Opinion No. 2016/26*, the ALS held that, as defined in *Regulation (EC) No 1333/2008*, colourants are in principle additives subject to authorisation. A differentiation between "*artificial*" and "*non-artificial*" colourants has, however, not been foreseen by the EU legislator and cannot be inferred from the specifications for food additives set in *Commission Regulation (EU) No 231/2012*. The ALS noted that, under Article 7(2) of the FIR, information on food must be accurate, clear and easy for consumers to understand. In addition, under Article 36(2)(b) of the FIR, information voluntarily provided to consumers must not be ambiguous or confusing. The ALS concluded that, due to the lack of differentiation and definitions, any reference to "*artificial*" colourants is not easily comprehensible and is, therefore, suitable to mislead.

Next steps

For the recent Japanese update on additives, the industry has until 31 March 2022 to adapt to the new policy. A further revision of labelling has been announced by the CAA, which will again require the food industry to adapt its labelling accordingly. European food business operators wishing to export foodstuffs to the Japanese market must take the differences into account and readapt their labels so as to comply with the applicable rules.

Recently Adopted EU Legislation

Food and Agricultural Law

- *Commission Regulation (EU) 2020/1245 of 2 September 2020 amending and correcting Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food (1)*

- *Summary of European Commission Decisions on authorisations for the placing on the market for the use and/or for use of substances listed in Annex XIV to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (Published pursuant to Article 64(9) of Regulation (EC) No 1907/2006) (1)*

- *Commission Implementing Regulation (EU) 2020/1244 of 1 September 2020 amending Implementing Regulation (EU) No 185/2013 concerning deductions from fishing quotas allocated to Spain for 2020 and 2023*

Trade Remedies

- *Commission Implementing Regulation (EU) 2020/1249 of 2 September 2020 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) 2019/1267 on imports of tungsten electrodes originating in the People's Republic of China to imports of tungsten electrodes consigned from Laos and Thailand, whether declared as originating in Laos and Thailand or not, and terminating the investigation in respect of imports consigned from India, whether declared as originating in India or not*

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