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The European Parliament supports the proposal to slightly increase the maximum level of THC in EU-cultivated industrial hemp

On 23 October 2020, the European Parliament adopted two amendments in favour of increasing the maximum level of Tetrahydrocannabinol (hereinafter, THC) allowed for industrial hemp in the field from currently 0,2% to 0,3%. The amendment has been included in the discussion for the reform of the EU's Common Agricultural Policy (hereinafter, CAP). The European Parliament also voted in favour of including hemp in the list of products that may be regulated by marketing standards. If the proposal advances in the legislative process, the initiative may pave the way to a more competitive EU hemp industry.

Industrial hemp in the EU

Products derived from the hemp plant (*i.e.*, *Cannabis sativa L.*) are increasingly marketed in the EU. THC is the most abundant of the at least 113 chemical compounds (*i.e.*, cannabinoids) that are found in the hemp plant and which give the cannabis plant its medical and recreational properties. In several consumption patterns, THC has a direct interaction with CBD, which is the second most abundant cannabinoid in the hemp plant. In recent times, CBD products have been also increasingly marketed in the EU due to their alleged pain-relieving, neuroprotective (*i.e.*, protecting the nervous system, its cells, structure, and function), and anti-inflammatory (*i.e.*, reducing pain and inflammation) effects and to the absence of the typical psychoactive affects such as those caused by THC.

THC is an illegal substance in food. According to Article 2(g) of *Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety*, the definition of '*food*' does not include narcotic or psychotropic substances within the meaning of the *United Nations Single Convention on Narcotic Drugs* and the United Nations Convention on Psychotropic Substances. Schedule I of the United Nations Single Convention on Narcotic Drugs (listing drugs that are subject to all measures of control under the Convention) currently includes "*delta-9-tetrahydrocannabinol*" (*Delta-9-THC*), which is, therefore, not a '*food*' under the EU definition (see *Trade Perspectives*, Issue No. of 31 July 2020).

The setting of the maximum THC level in hemp in the EU

The maximum THC content for industrial hemp in the EU was set, for the first time, in 1984 at 0,5%. This value was successively reduced to a maximum of 0,3% on the basis of a standard established by the *International Association for Plant Taxonomy* (hereinafter, IAPT). The IAPT

standard was considered as drawing the line between *cannabis sativa* and *cannabis indica*. Based on the *International Code of Nomenclature for Cultivate Plants* (ICNCP), the sub-genus *cannabis sativa* shows only a limited intoxicant potential linked to the reduced presence of THC. In some species of *cannabis sativa*, the presence of THC does not reach 0,2%. In 1999, in an effort to prevent the cultivation of *cannabis sativa* with intoxicant effects in industrial hemp fields, the EU established a further restriction reducing the amount of THC allowed for hemp to 0,2%. The high-yielding seed varieties and strains of hemp with significant CBD content, which are today in increasing demand, do not have a high level of THC presence, but can have a level of slightly above 0,2%. For this reason, several varieties of hemp, especially from Eastern Europe, are not allowed for cultivation in the EU because the plant's THC level may exceed the 0,2% threshold. The low level of THC allowed across the EU considerably restricts the varieties of hemp plants that may be grown by farmers under the CAP's subsidy schemes, placing EU farmers at a disadvantage compared to producers in other parts of the world.

Therefore, manufacturers of hemp-containing food products must exercise caution when selecting hemp plants for their production. Under the current CAP, EU farmers are entitled to income support through direct payments, ensuring income stability, remuneration for environmentally friendly farming, and for delivering services such as taking care of the rural areas. The CAP is currently financed through two funds that are part of the EU budget: 1) The *European Agricultural Guarantee Fund* (EAGF), which provides direct support and funds market measures; and 2) The *European Agricultural Fund for Rural Development* (EAFRD), which finances rural development. As regards the support to hemp cultivation in the EU, Article 32 of *Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009* establishes that, in order to activate payment entitlements, "*areas used for the production of hemp shall only be eligible hectares if the varieties used have a tetrahydrocannabinol (THC) content not exceeding 0,2%*". Regardless of a maximum content of 0,2% or 0,3%, by granting payments only for areas cultivated with industrial hemp varieties with a such low THC content, the CAP rules prevent any support for the cultivation of cannabis plants that are suitable for cannabis for recreational use and with psychoactive effects.

The current CAP covers a fixed period from 2014 to 2020 and the future CAP is under discussion among EU Institutions in order to prepare the legislative framework covering the period from 2021 to 2027. During the most recent plenary session, which took place from 19 to 23 October 2020, the European Parliament agreed to a position on a final text for the post-2020 CAP. As regards the *Proposal for a Regulation of the European Parliament and of the Council establishing rules on support for strategic plans to be drawn up by Member States under the Common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Regulation (EU) No 1307/2013 of the European Parliament and of the Council* presented by the European Commission, the Members of the European Parliament (hereinafter, MEPs) adopted an amendment in favour of increasing the maximum THC level in hemp plants in the field from 0,2% to 0,3% and of the possibility to establish marketing standards for hemp.

The proposal, long advocated for by the hemp industry, was included in the European Parliament's text of the Strategic Plans Regulation, which will be the position of the European Parliament for so-called *trilogue* negotiations with the Council of the EU and the European Commission. These negotiations are scheduled to begin early next year in view of the adoption of the legal instruments regulating the CAP for the 2021-2027 timeframe.

Implications of increasing the maximum THC level

Citing a number of scientific studies, the EU hemp industry argues that there is no increased safety risk associated to cultivating hemp containing 0,3% THC. At the same time, an

increased level of THC content would allow a wide range of new hemp varieties to enter the EU market, providing room for innovation and for market growth. According to the *European Industrial Hemp Association* (hereinafter, EIHA), under the current regulatory framework EU hemp producers are only allowed to breed 60 varieties of hemp. Increasing the permitted level of THC to 0,3% would enable farmers to choose from more than 500 varieties with a wide array of characteristics, ranging from better disease resistance to shorter harvest periods. The European Parliament's proposal to increase the THC level from 0,2% to 0,3% was linked to a proposal allowing the possibility to establish marketing standards for hemp, which, according to the EIHA, "*would translate into a significant increase of quality and standardisation of hemp products, as well as a clear regulatory framework covering a wide range of aspects. Marketing standards encompasses sales descriptions, classification criteria, presentation, labelling, packaging, product characteristics, specific substances used and farming methods, among others*". These types of standards already exist for other agricultural products including wine, fruit, vegetables, and olive oil.

Conclusion and outlook

The proposal of re-establishing the previous maximum level of 0,3% for THC in industrial hemp and of allowing EU harmonised standards has been advocated for years by the EU's hemp industry. According to the EIHA, the hemp food sector has grown considerably over the last several years, having reached a volume of EUR 40 million in the EU and EUR 200 million at global level. Reasonable and harmonised THC values are crucial for the further development of the EU hemp industry. *Trilogue* negotiations on the future CAP are likely to begin early next year. Hemp growers and other operators with a direct interest in the sector should closely follow the forthcoming EU *trilogue* discussions.

Spain permits use of the term '*probiotic*' on food and food supplements

On 27 October 2020, the Spanish Agency for Food Safety and Nutrition (*Agencia Española de Seguridad Alimentaria y Nutrición*, hereinafter, AESAN) published a guidance document on probiotics in food, permitting the use of the term '*probiotics*'. This term refers to probiotic bacteria, which are live microorganisms, such as *Lactobacillus helveticus* or *Lactobacillus rhamnosus,* that may provide a health benefit in humans, generally by improving or restoring the gut flora.

Safety of probiotics and their use in food

Probiotics in food products like yoghurt and other dairy products, infant formula, and food supplements are considered generally safe to consume. However, there appears to be little evidence that probiotics deliver the health benefits often claimed. The use of probiotics in food is subject to the general safety requirement laid down in Article 14 of *Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures relating to food safety*, which sets out that unsafe foods are not to be placed on the market. In the absence of a list of microorganisms authorised at EU level, the *European Food Safety Authority* (hereinafter, EFSA) has established a *'qualified presumption of safety*' (hereinafter, QPS) list for microorganisms, which is regularly reviewed, and which can be used as a reference for safe food use.

The EFSA notes that QPS is based on reasonable evidence. If an assessment concludes that a group of microorganisms does not raise safety concerns, the group is granted '*QPS status*'. No microorganism belonging to that group needs to undergo a full safety assessment. Once the EFSA grants a microorganism QPS status, it is included in the list of the QPS status recommended biological agents for safety risk assessments or '*QPS list*'. To be granted QPS status, a microorganism must meet the following criteria: 1) Its identity or essential character must be well defined; 2) The available body of knowledge must be sufficient to establish its safety; 3) The lack of pathogenic properties must be established and substantiated; and 4) Its

intended use must be clearly described. Microorganisms that are not well defined, for which some safety concerns are identified or for which it is not possible to conclude whether they pose a safety concern to humans, animals, or the environment are not considered suitable for QPS status and must undergo a full safety assessment.

Advertising and labelling of probiotics in the EU

Advertising and labelling of food products like yoghurt, infant formula, and food supplements using the term '*probiotic*' in the EU is a complex matter. Under Article 19(1)(d) 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), the name of the specific microorganism culture(s) that a product contains is not required to be displayed in the list of ingredients. In the case of, for example, fermented milk and cream products (which includes yoghurt), the only ingredients required to be listed are ingredients other than the lactic products, enzymes and microorganism culture essential to their manufacture. However, manufacturers can choose to provide this information voluntarily.

Regarding the use of the term '*probiotics*', there is no EU legal framework defining it as a food category or establishing the conditions for a microorganism strain to be considered as probiotic. However, the general view by most EU and EU Member State authorities is that the term '*probiotic*' is an implicit, non-authorised health claim and, therefore, the very use of the name is not authorised in most countries. According to the definition of health claim in Article 2(2)(5) of *Regulation (EC) No. 1924/2006 on nutrition and health claims made on foods* (hereinafter, NHCR), "*any claim that states, suggests or implies that a relationship exists between a food category, a food or one of its constituents and health*" can be considered to be a health claim. Arguably, stating '*contains probiotic*' (or similar) on a product is not the same as saying '*contains ingredient X*'. It is more than merely mentioning that the product contains bacteria, implying that the product contains a substance that may be beneficial for health.

The European Commission's (hereinafter, Commission) Guidance on the implementation of Regulation 1924/2006 on nutrition and health claims made on foods of 14 December 2007 intends to clarify that, while a claim '*contains*' is normally a nutrition claim, in some cases, the use of the term '*contains*' in a claim refers to groups of substances with a specific functional effect. In such cases, the '*contains*' claim is a health claim and must be authorised accordingly. More specifically, the Guidance clarifies that "*a claim is a health claim if in the naming of the substance or category of substances, there is a description or indication of a functionality or an implied effect on health. Examples are: "contains antioxidants" (the function is an antioxidant effect); "contains probiotics/prebiotics" (the reference to probiotic/prebiotic implies a health benefit)*".

In order to be entitled to communicate on the beneficial health effects of their products on the product label or in advertising, food business operators have to obtain a pre-market authorisation under the NHCR from the Commission. According to the EU Register of health claims, 129 '*probiotic*' health claims were not authorised. Many other applications for probiotic health claims have been withdrawn due to the uncertainty of the outcome of the EFSA's assessment. The most common reason for rejection was the insufficient characterisation for a scientific assessment of the claimed effect, but in some cases, applications on well-characterised microorganisms were also rejected. There is, however, a health claim authorised under Article 13(1) of the NHCR for individual bacteria strains, the yoghurt microorganisms. According to *Commission Regulation (EU) No 432/2012 of 16 May 2012 establishing a list of permitted health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health,* the claim "*Live cultures in yogurt improve lactose digestion of the product in individuals who have difficulty digesting lactose*" can be used where the specific cultures listed in the respective EFSA opinion are present. The condition for using this claim is that "*yoghurt or fermented milk should contain at least 108 Colony Forming Units live starter microorganisms (Lactobacillus delbrueckii subsp. bulgaricus and Streptococcus thermophilus) per gram*".

AESAN's guidance permits the use of the term 'probiotic' in Spain

In its recent guidance, Spain's AESAN notes that, from the discussions that have been held within the Commission's *Expert Group on Nutrition and Health Claims*, there are different interpretations by EU Member States regarding the use of the term '*probiotic*'. Different from other food safety authorities in EU Member States, the AESAN announced that the term '*probiotic*' should be accepted on labels of food and food supplements sold in the country. AESAN acknowledged that a significant number of probiotic products are present on the Spanish market. Infant formula and follow-on formula are marketed as containing, as a voluntary added ingredient, different live microorganisms. The presence of these live microorganisms is indicated on the product label in the ingredients list. Regarding food supplements, there is a large number of food supplements on the market, containing one or more strains of live microorganisms, which include the term '*probiotic/s*'. The AESAN notes that these products come from different EU Member States, where they are allowed to be marketed under this name and may, therefore, not be prevented from being marketed in Spain, in application of the principle of mutual recognition. This principle stems from Articles 34 to 36 of the Treaty of the European Union and is further defined in *Regulation (EU) 2019/515 of the European Parliament and of the Council of 19 March 2019 on the mutual recognition of goods lawfully marketed in another Member State*, which outlines rules and procedures on the application of the mutual recognition principle in individual cases.

Until there is a uniform criterion on the part of the EU Member States for the use of the term '*probiotic*', the AESAN considers it acceptable that the term '*probiotic/s*' appears on the label of products, both manufactured in Spain and imported to Spain from other EU Member States. The AESAN concludes that "*in all cases, these products must meet the safety requirement. However, it should be noted that the use of this term cannot be accompanied by any health claim, unless expressly authorised*".

The situation in other EU Member States

The use of the term '*probiotic*', when used on a food label, is considered to be a health claim by, for example, the Irish Food Safety Authority. The Italian Ministry of Health's Guidelines on Probiotics and Prebiotics of March 2018 are a comprehensive guideline for probiotics in food and food supplements, allowing the use of the term '*probiotic*' if specific conditions are met. Sources indicate that the Czech Republic has issued national guidelines allowing the use of the term '*contains probiotics*' as a nutrition claim. In Germany, in a judgement of 26 February 2014, the German Federal Court of Justice (*Bundesgerichtshof*, BGH) ruled that the trademarks *Praebiotik*® and *Probiotik*®, as well as the slogan '*Praebiotik*® + *Probiotik*® *with natural lactic acid cultures – Praebiotik*® *for the support of a healthy intestinal flora'* are health claims according to Article 2(2)(5) of the NHCR, since they suggest that there is a relationship between the respective baby milk and a baby's health. Regarding the use of the trademarks *Praebiotik*® and *Probiotik*®, the BGH held that an average consumer would interpret it as a reference to the prebiotic and probiotic characteristics (*i.e.*, the ability to stimulate natural intestinal function and the body's own defence system) (see *Trade Perspectives*, Issue No. 6 of 20 March 2015).

Work at the international level on defining and labelling probiotics

At the international level, work is being done within the FAO/WHO Codex Alimentarius on a Discussion paper on harmonised probiotic guidelines for use in food and dietary supplements. The discussion paper includes definitions of '*probiotics*' and '*food with probiotics*', requirements for the evaluation of a probiotic as a food ingredient, requirements for the evaluation of a food with probiotics, aspects of production, contaminants, hygiene, labelling and methods of analysis and sampling. There are, however, concerns as to the appropriateness of addressing a number of provisions in the future guidelines against existing Codex standards guidelines on, *inter alia*, health claims, food hygiene and labelling.

Conclusion

The AESAN's guidance does not imply the authorisation of any health claim for probiotics in Spain. However, already the possibility of using the term '*probiotic*' on product labels on the basis of the mutual recognition principle is a small victory for the food industry operating on that market. Interested food business operators and their advisers should intend to achieve a similar approach in other Member States, as long as there is no harmonised approach on the marketing of probiotics in the EU or at international level.

The Government of Indonesia officially enacted the '*Omnibus*' Law No. 11 Year 2020 concerning Job Creation to improve the country's investment climate

Nearly one month following the approval by Indonesia's House of Representatives of the *Draft Bill on Job Creation* on 5 October 2020, Indonesia's President *Joko 'Jokowi' Widodo* officially signed *Law No.11 Year 2020 concerning Job Creation* (hereinafter, *Job Creation Law*) on 2 November 2020, which was also the date of its entry into force. The *Job Creation Law* is divided into 15 chapters, contains 186 articles, and, together with its elucidation, covers 1,187 pages. The *Job Creation Law* amends 78 existing laws pertaining to, *inter alia,* taxation, labour, investment, and the environment. It is supposed to improve the ease of doing business in Indonesia and to attract investment, thereby creating additional job opportunities and economic growth in Southeast Asia's largest economy. Given the broad approach, this new law will have significant implications for businesses located or investing in or trading with Indonesia.

The Job Creation Law

The *Job Creation Law* was proposed by the Government of Indonesia as part of economic reforms aimed at simplifying several overlapping regulations and as a means of attracting additional foreign investment. As indicated by the World Bank's *Doing Business 2020* ranking, Indonesia is currently ranked at position 73 out of 190 countries in terms of the ease of doing business.

In general terms, the *Job Creation Law* includes chapters concerning the improvement of the investment ecosystem and business activities; employment; convenience, protection and empowerment of cooperatives and small and medium enterprises; the ease of doing business; national fiscal policy; and support for research and innovation.

Simplifying business licensing and supporting investments

In line with its objectives, the *Job Creation Law* simplifies business licensing by introducing risk-based business licensing, as well as by simplifying the licensing process and investment requirements for numerous business sectors. Pursuant to Article 7 of the *Job Creation Law*, risk-based business licensing is divided into several categories: 1) Low-risk business activities; 2) Intermediate-risk business activities; and 3) High-risk business activities. The category is determined based on the level of risk and the scale of business activities, taking into account potential hazards caused by, for instance, the location of the business activities. The requirement to obtain a business license in the form of an approval issued by the central or regional Government is only imposed on business actors engaging in high-risk business activities, while other businesses are only required to obtain a business identification number and/or business standards certificate. Further details concerning the risk-based approach to business licensing must still be regulated in more detail by the Government in ensuing implementing legislation.

With respect to investment, one of the most notable changes is an amendment to *Law No. 25 Year 2007 concerning Capital Investment* (hereinafter, *Investment Law*), on the basis of which the Central Government will introduce a priority list through a forthcoming Presidential Regulation and replace the current list that provides 14 business sectors that are closed or

restricted for investment (*e.g.*, alcoholic beverages and casinos). Following the amendments, the Government of Indonesia will only leave six business sectors fully closed for private domestic or foreign investment, namely: 1) The cultivation and manufacturing of class 1 narcotics; 2) Casinos and other forms of gambling activities; 3) Fishery activities of fish species listed in Appendix I to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); 4) Activities involving the use or collection of coral; 5) Chemical weapons manufacturing; and 6) The manufacturing of industrial chemicals and ozone-depleting substances. It remains to be seen how the upcoming Presidential Regulation will regulate the percentage of foreign ownership in certain business sectors.

Further, the *Job Creation Law* aims at empowering micro, small and medium enterprises. For instance, the *Job Creation Law* amends Article 90 of *Law No. 20 Year 2008 concerning Micro, Small and Medium Enterprises* requiring both the regional and central Governments to facilitate, support, and stimulate partnership activities between medium and large enterprises with cooperatives, micro, and small businesses, for instance on the issues of skills transfer and human resources.

Provisions in the Job Creation Law with respect to environmental protection

One of the key changes delivered by the *Job Creation Law* pertains to environmental standards. The *Job Creation Law* amends three laws in relation to the environment, namely *Law No. 32 Year 2009 concerning Environmental Protection and Management* (hereinafter, *Environmental Protection and Management Law), Law No. 41 Year 1999 concerning Forestry* (hereinafter, *Forestry Law*), and *Law No. 18 Year 2013 concerning Prevention and Eradication of Forest Destruction.*

Among its controversial provisions is the removal of a requirement to maintain the forest area at 30% of the size of the watersheds and/or islands, which leaves considerable discretion to the Central Government to determine the size of the forest area to be maintained, as regulated in the *Forestry Law*. The removal of this requirement has the potential to result in environmental damage and might lead to greater reduction of the forest area vis-à-vis the previously mandated ratio. The *Job Creation Law* also allows business entities to obtain business licenses for the utilisation of areas and the collection of non-timber forest products in protected forest areas, while this eligibility was previously available only to individuals and cooperatives. The ability of business entities to utilise such areas could potentially result in increased damage and biodiversity degradation of the protected forest areas.

With respect to the *Environmental Protection and Management Law,* the *Job Creation Law* abolished the '*environmental license*' and replaced it with an *'environmental approval'* requirement by the regional/central Governments in the form of an environmental impact analysis document (*Analisis Dampak Lingkungan*, AMDAL) and an environmental management/monitoring programme (*Upaya Pengelolaan Lingkungan Hidup-Upaya Pemantauan Lingkungan Hidup,* UKL-UPL). Eliminating the need to obtain an environmental license and integrating environmental commitments into the business license appears to be linked to the objective of reducing bureaucratic burdens on businesses. At the same time, the *Job Creation Law* also introduced the requirement for a claimant to prove fault in relation to an environmental claim involving hazardous and toxic material waste or serious environmental damage. Previously, proving the element of fault was not required. Accordingly, it will be more difficult for relevant stakeholders to sue alleged polluters. Furthermore, public participation in the AMDAL preparation stage and decision is now limited to the directly affected community, while, previously, environmental experts or the public at large were allowed to participate in the process and were able to object to the AMDAL document.

On 5 October 2020, a group global investors managing approximately USD 4.1 trillion in assets sent an open letter to the Government of Indonesia conveying their concerns on *'the negative impact of certain environmental protection measures affected by the Omnibus Bill*' and urged the Government of Indonesia to, *inter alia*, preserve and advance legislation that supports the

conservation of forests and peatlands, as well as legislation that ensures proper consultations with environmental and civil society groups and investors.

Labour provisions in the Job Creation Law

The *Job Creation Law* also amends several laws pertaining to labour, namely *Law No. 13 Year 2003 concerning Manpower* (hereinafter, *Labour Law*)*, Law No. 40 Year 2004 concerning National Social Security System*, *Law No. 24 Year 2011 concerning Social Security Agency*, and *Law No. 18 Year 2017 concerning Protection of Indonesian Migrant Workers.* In recent months, several civil society groups expressed their concern with regard to provisions relating to the area of labour/manpower in the *Job Creation Law*.

Pursuant to the *Job Creation Law,* Article 42 of the *Manpower Law* is amended with respect to the requirement for companies employing foreign workers to maintain a foreign workers recruitment plan (*Rencana Penggunaan Tenaga Kerja Asing*, RPTKA), that is validated by the central Government. The RPTKA is no longer required for foreign workers that work for a start-up company, are on a business visit, or are conducting research for a certain period. The criteria for the exception categories have not yet been specified and will be defined in a forthcoming Presidential Regulation.

With regard to overtime, the *Job Creation Law* amended Article 78 of the *Manpower Law* and extended the maximum overtime hours to four hours per day and 18 hours per week, up from three hours per day and 16 hours per week, respectively. Further provisions on overtime hours and related payments shall be regulated in a Government Regulation concerning, *inter alia*, certain business sectors or work not subject to the maximum overtime hours. In addition to extending the overtime working hours, the *Job Creation Law* also amended Article 79 of the *Manpower Law*, specifying that weekly time off is only set at one day vis-à-vis six working days a week.

The way forward – awaiting implementing regulations

With the entry into force of the *Job Creation Law*, the Government hopes that foreign investment in Indonesia would increase. The President's Executive Office confirmed that the Government of Indonesia would promptly begin drafting the relevant implementing regulations intended to provide detailed explanations and clarifications of the *Job Creation Law*'s provisions. As mandated by Article 185 of the *Job Creation Law*, implementing regulations are to be issued within a maximum period of three months from 2 November 2020. According to the results of a joint inventory of all relevant Ministries and Government agencies, 44 implementing regulations (*i.e.*, 40 Government Regulations and 4 Presidential Regulations) are necessary to implement the *Job Creation Law*.

The *Job Creation Law* contains numerous changes and amendments, which have the potential to reduce '*red tape*' and attract investment, but also to undermine Indonesia's environmental and labour protection by easing environmental standards and limiting public participation, as well as reducing workers' rights. The actual impact of the *Job Creation Law* on investment, labour, and environmental protection remains to be seen and will also depend on the forthcoming implementing regulations, and on how the provisions are implemented in practice. In the meantime, investors, businesses, workers, and relevant stakeholders should closely monitor the developments regarding the implementing regulations and understand the regulatory changes brought about by the *Job Creation Law.*

Recently Adopted EU Legislation

Food and Agricultural Law

- *Commission Delegated Regulation (EU) 2020/1676 of 31 August 2020 amending Article 25 of Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures as regards bespoke paints (1)*

- *Commission Implementing Regulation (EU) 2020/1678 of 6 November 2020 approving amendments to the specification for a Protected Designation of Origin or a Protected Geographical Indication ('Rioja' (PDO))*

- *Commission Implementing Regulation (EU) 2020/1679 of 6 November 2020 conferring protection under Article 99 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council on the name 'Soltvadkerti' (PDO)*

- *Commission Implementing Regulation (EU) 2020/1680 of 6 November 2020 conferring protection under Article 99 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council on the name 'Friuli'/'Friuli Venezia Giulia'/'Furlanija'/'Furlanija Julijska krajina' (PDO)*
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Trade Remedies

- *Commission Implementing Regulation (EU) 2020/1646 of 7 November 2020 on commercial policy measures concerning certain products from the United States of America following the adjudication of a trade dispute under the Dispute Settlement Understanding of the World Trade Organization*

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