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Strengthening the EU's trade toolbox: The *International Procurement Instrument* will soon enter into force

On 30 June 2022, the EU published *Regulation (EU) 2022/1031 of the European Parliament and of the Council of 23 June 2022 on the access of third-country economic operators, goods and services to the Union's public procurement and concession markets and procedures supporting negotiations on access of Union economic operators, goods and services to the public procurement and concession markets of third countries (International Procurement Instrument – IPI)* (hereinafter, IPI Regulation) in its Official Journal. The IPI Regulation aims at promoting "*reciprocity in access to international public procurement markets*" for EU companies. The IPI Regulation will enable the European Commission (hereinafter, Commission) to adopt measures to restrict access of economic operators, goods or services from a third country to EU public procurement procedures if the Commission were to find that EU companies face serious and recurring restrictions on access to public procurement in that third country.

A lengthy debate and legislative process

The idea for the IPI Regulation dates back more than a decade. On 21 March 2012, the Commission had already submitted a first proposal, but the draft did not receive the required support from the Council of the EU (hereinafter, Council) and was never adopted. On 29 January 2016, the Commission submitted an amended proposal, but discussions dragged on and were further delayed by the *Covid-19* pandemic. Using the Commission's proposal from 2016 as a basis, in January 2021, the Portuguese Presidency of the Council of the EU submitted a draft text to accelerate discussions within the Council. On 2 June 2021, EU Member States finally agreed, within the Council, on a mandate for negotiations with the European Parliament on the IPI Regulation. The Portuguese Council Presidency had introduced several amendments to the text of the proposal. On 14 December 2021, the European Parliament adopted its position for the inter-institutional '*trilogue*' negotiations with the Council and the Commission. On 14 March 2022, the three institutions reached a political agreement on the IPI Regulation. Following the adoption of the IPI Regulation by the European Parliament and the Council, the Commission published the final text in the EU's Official Journal on 30 June 2022.

The EU's International Procurement Instrument

The IPI Regulation aims at regulating the access of third-country economic operators, goods and services to the EU's public procurement and concession markets, as well as at establishing procedures to support negotiations that would provide reciprocal access for EU businesses into third countries' public procurement and concession markets.

The IPI Regulation concerns only public procurement procedures for goods, services or concessions for which the EU has not undertaken market access commitments in an international agreement, such as Agreement on Government Procurement (hereinafter, GPA) within the World Trade Organization (hereinafter, WTO), or any other bilateral or multilateral trade agreement. Where issues regarding public procurement procedures arise with parties to the GPA or to applicable trade agreements, the mechanism built-in those agreements should be used.

Most notably, the IPI Regulation establishes procedures for the Commission, on its own initiative or upon a substantiated complaint, "*to undertake investigations into alleged third-country measures or practices against Union economic operators, goods and services, and to enter into consultations with the third countries concerned*". Alleged third-country measures can be "*any legislative, regulatory or administrative measure, procedure or practice, or combination thereof, adopted or maintained by public authorities or individual contracting authorities or contracting entities in a third country, at any level, that results in a serious and recurrent impairment of access of Union economic operators, goods or services to the public procurement or concession markets of that third country or practices against Union economic operators, goods and services*".

According to Article 5 of the IPI Regulation, upon publication of the Commission's notice regarding the initiation of an investigation in the EU's Official Journal, the Commission must invite the concerned third country to submit its views on the issue, to provide relevant information, and to enter into consultations with the Commission to look for ways to address the measure. The Commission has nine months from the date of the initiation of the investigation to conclude the investigation. In justified cases, the Commission may extend the investigation period by a maximum of five more months. Following the conclusion of the investigation, the Commission must make the report of the investigation publicly available and propose a course of action.

The investigation may be suspended if the concerned third country takes corrective action or undertakes commitments to end its measure within a period of no more than six months. However, the Commission reserves the right to resume an investigation if it were to conclude that the reason for the suspension is no longer valid. If the investigation determines that the third-country measure no longer applies, the Commission must terminate the investigation. In case the Commission concludes that a third-country measure or practice does indeed restrict the access of EU businesses to that country's public procurement market, the Commission must adopt an IPI measure. Reciprocally, IPI measures restrict "*the access of economic operators, goods or services originating from third countries to the Union public procurement or concession markets in the area of non-covered procurement*". According to Article 6 of the IPI Regulation, an IPI measure may require contracting authorities or contracting entities in the EU to restrict access of economic operators, goods or services from a third country to public procurement procedures, either by: 1) Imposing "*a score adjustment on tenders submitted by economic operators originating in that third country*" (*i.e.*, "*the relative diminution by a given percentage of the score of a tender*"); or 2) Excluding "*tenders submitted by economic operators originating in that third country*".

IPI measures only apply to public procurement procedures "*with an estimated value above a threshold to be determined by the Commission*", which should be equal to or above "*EUR 15 000 000 net of VAT for works and concessions, and equal to or above EUR 5 000 000 net of VAT for goods and services*". IPI measures expire after five years, with the possibility to be extended by another five years. Prior to the end of the first five-year period, the Commission

has nine months to initiate a review of the IPI measure and six months to conclude such review. Based on the results of the review, the Commission can decide to "*extend the duration of the IPI measure, adjust it appropriately or replace it with a different IPI measure by means of an implementing act*".

In certain cases, even when the IPI measure applies, contracting authorities may, on an exceptional basis, decide not to apply an IPI measure with respect to a public procurement procedure. Such exception is limited to procurement procedures where: 1) "*Only tenders from economic operators originating in a third country subject to an IPI measure meet the tender requirements*"; or 2) "*The decision not to apply the IPI measure is justified for overriding reasons relating to the public interest, such as public health or protection of the environment*". Finally, the IPI Regulation provides an exemption for least developed countries (LDCs), against which the Commission must not initiate an investigation unless there is evidence of a circumvention of an IPI measure against another country.

Pursuing a level playing field for EU businesses

The EU public procurement market is one of the most accessible and one of the largest in the world, largely due to the fact that the EU has liberalised access to public procurement through its trade agreements and the WTO GPA. However, many third countries only provide very limited access to their public procurement markets. Therefore, EU companies often do not benefit from the same access to public procurement markets in third countries as companies from those countries enjoy in the EU. The IPI Regulation has the objective of correcting this unbalanced playing field by limiting the access of third countries to the EU's public procurement market, if a concerned third country is found to restrict the access of EU businesses to its public procurement market.

Various business organisations in the EU welcomed the adoption of the IPI Regulation. *AEGIS Europe*, an industry alliance that brings together more than 20 European manufacturing associations, stated that it had called "*for the adoption of this instrument for a long time*" and that it is "*confident that through this new lever of the European trade policy, third countries will be encouraged to end discriminatory practices in the field of public procurement*". *BusinessEurope*, the Confederation of European Businesses, stated that the IPI Regulation "*re-establishes a level playing field on international procurement markets*".

The EU market for public procurement remains open, but with conditions

While the EU public procurement market shall remain open, the IPI will provide the EU with the necessary tools to react and address restrictive measures or practices that limit the access of EU businesses to third-country public procurement markets. Third countries that are parties to the WTO GPA, or which have concluded a trade agreement with the EU that contains commitments on public procurement, will continue benefiting from these commitments. Interested stakeholders should closely monitor the implementation of this new instrument. The IPI Regulation will enter into force on 29 August 2022 and EU businesses should be ready to flag restrictions in third countries to the Commission.

The EU and the UK settle their first post-'*Brexit*' WTO dispute on green energy subsidies and related local input requirements

On 1 July 2022, the EU and the UK agreed on a way forward in their dispute concerning the UK's green energy subsidy scheme. Earlier this year, the EU had raised concerns, within the context of the World Trade Organization's (hereinafter, WTO) dispute settlement mechanism, concerning the alleged discrimination in the UK's *Contracts for Difference* (hereinafter, CfD) scheme, which is the UK's main programme for subsidising investments in low-carbon electricity generation. More specifically, the EU considered the UK's introduction of local input requirements in the procurement process for green energy projects in the UK to be a breach

of international trade rules. Under the agreement now reached between the EU and the UK, CfD beneficiaries do not need to achieve any level of UK content in order to receive payments under the CfD scheme. With the evolution of the renewable energy sector and the growing focus on "*green development*", local input requirements, imposed mainly as conditions for subsidisation or as part of the procurement process, have found a central role in the policies of many governments. If unchecked, such measures are poised to restrict market access and cause adverse and discriminatory effects on trade.

The UK's renewable energy support policy and local input requirements

In 2014, the UK had established the *Contracts for Difference* (CfD) scheme with the aim to incentivise investments in renewable energy by making *"low carbon energy generation projects commercially viable by covering the difference between the cost of low carbon electricity generation and the regular market price for electricity through the payment of a subsidy*". In October 2021, the UK published an ambitious pamphlet titled *Net Zero Strategy: Build back greener*, which, *inter alia*, sets out the UK's *"vision for a decarbonised economy in 2050*". As one of the strategy's key policies, under the title of '*Power in the Net Zero Strategy'*, the UK intends to be "*powered entirely by clean electricity, subject to security of supply*", by 2035. The UK's CfD scheme is one of the specific policies to attain that objective. The UK's *Contracts for Difference* are allocated through auction or so-called "*allocation rounds*". So far, the UK has conducted four allocation rounds in 2015, in 2017, in 2019, and in 2022.

For the fourth allocation round under the CfD scheme, the UK introduced a number of changes to the scheme. In 2021, as part of those changes, the UK introduced local content requirements that, essentially, required applicants competing for projects generating electricity of 300 Megawatt (MW) or more to provide a breakdown of the percentages of UK local inputs to be incorporated at each phase of a project. The responses would be part of a scoring process and, depending on the achieved score, a statement of approval would be issued by the UK's Secretary of State for Business, Energy and Industrial Strategy, where "*applicants scoring less than 50% (as a percentage of marks available) in one or more sections of their Supply Chain Plan are unlikely to pass*". Applicants must submit such statement of approval in order to qualify for a CfD *allocation round*. A successful CfD allocation round applicant would also be required to subsequently submit a statement indicating to have delivered on the local content commitments or indicating the progress made in implementing the local content commitments, in order to receive payments under the CfD.

'*RenewableUK*', the UK's trade association for wind power, wave power and tidal power industries, estimates that 29% of capital expenditure (*i.e.*, funds used by a company to acquire, upgrade, and maintain physical assets) on offshore wind projects goes into the UK economy. Reportedly, the Government of the UK aimed at lifting "*that level of capital expenditure spent with UK-based suppliers*" to between 40% and 60%.

The EU's request for WTO consultations

The EU considered that such practice would incentivise operators to favour UK content in their applications, to the detriment of imported inputs. On 30 March 2022, the EU requested consultations with the UK within the context of the WTO dispute settlement system. When announcing the request for WTO consultations, the European Commission noted that it had "*raised its concerns with the UK on several occasions, but to no avail*". This is the first case that the EU has brought against the UK since the UK's exit from the EU in January 2021. With its request for consultations, the EU challenged the local content criteria in the UK's fourth round of the *Contracts for Difference* allocation, which it considered to favour UK over imported content, and thus to be in breach of non-discrimination rules, particularly, the national treatment principle under the WTO's General Agreement on Tariffs and Trade 1994 (hereinafter. GATT 1994). The EU's request for consultations identified two measures at issue:

1) "*Making United Kingdom local content a criterion for the eligibility of applicants to participate in the allocation of CfD;* and

2) *"Making attainment of the level of United Kingdom content as committed in the applicants' initial eligibility application a criterion for effective payment of the subsidy*".

In its announcement of the WTO consultations, the European Commission also referred to the relevance of the renewable energy sector for the EU's economy and the impact of the measures at issue, noting that "*green energy technologies and solutions are a very important sector in the EU. The wind energy sector alone has an annual turnover of €36 billion (2018 figure) and provides 500,000 high quality jobs*". In this regard, the EU argued that discriminatory trade practices, such as the UK's local content criterion in the allocation of new *Contracts for Difference,* would "*encourage the move of investments away from the EU, impacting the EU's competitiveness in the sector and in general undermine efforts to address the climate crisis*".

Compatibility of the UK's local content requirements with WTO rules

The EU claimed that the UK's local content requirements appeared to be inconsistent with the UK's obligations under Article III:4 of the GATT 1994 "*in as much as, by incentivising applicants to commit to and implement an ambitious percentage of United Kingdom content in the context of the allocation of CfD, they accord less favourable treatment to imported goods than to like domestic goods*". The EU added that "*the criteria used by the UK government in awarding subsidies for offshore wind energy projects favour UK over imported content"*, which *"violates the WTO's core tenet that imports must be able to compete on an equal footing with domestic products and harms EU suppliers, including many SMEs, in the green energy sector*".

While the EU's request for WTO consultations refers only to Article III:4 of the GATT 1994, the EU reserved its right to "*address additional measures and claims"* regarding the UK's local content requirements, including under other provisions of the relevant WTO agreements, *"during the course of the consultations*". According to WTO case law, local content requirements have also been ruled inconsistent with Article 2.1 of the WTO Agreement on Trade-Related Investment Measures (hereinafter, TRIMs), which prohibits the application of trade-related investment measures inconsistent with the national treatment obligation in Article III of the GATT 1994. In this context, the UK's requirement that CfD applicants set local content targets as a condition for eligibility for a CfD allocation and, ultimately, in order to obtain the financial support for the project, could arguably also constitute a trade-related investment measure contrary to Article 2.1 of the TRIMs Agreement.

The UK clarifies the local content conditions for the Contracts for Difference scheme

As a result of their WTO consultations held in May 2022 in Geneva, on 1 July 2022 the EU and the UK reached an agreement on "*a way forward to address the EU's concerns about discrimination in the UK's Contracts for Difference scheme*". The EU-UK agreement is "*recorded in an exchange of letters*" between the UK's Secretary of State for International Trade, Ms. *Anne-Marie Trevelyan*, and the European Commission's Executive Vice-President and European Commissioner for Trade, Mr. *Valdis Dombrovskis*.

In her letter, the UK's Secretary of State clarified that, under the CfD scheme, any data requested from potential beneficiaries during the application process concerning the anticipated levels of UK content, would "*be used for information purposes only*" and would "*not be scored*". In this context, CfD beneficiaries would not need to achieve any particular level of UK content to receive payments, nor would they be bound by the envisaged level of UK content indicated when first applying to the CfD scheme. Therefore, successful CfD applicants may, without any need for justification, choose their suppliers regardless of the supplier's UK or non-UK origin. The clarifications apply to the currently ongoing and future CfD allocation rounds.

In his response, European Commissioner *Dombrovskis* welcomed the UK's clarification, adding that *"the constructive steps by the UK"* provided *"clarity and reassurance that EU*

industry can compete on a level playing field on the UK market" and that the "WTO *consultations fully served their purpose and the outcome addresses the EU's concerns".* Having reached agreement following the WTO consultations, full-fledged dispute settlement proceedings have been avoided. The European Commission noted that the EU would work with the UK to ensure the implementation of the "*agreed way forward*".

The task of incentivising green energy

Issues such as affordability, ease of availability, and technology intensity of renewable energies contribute to the slow private investment in green energy. Government intervention, mainly through public financial support programmes, has become inevitable. However, to attract support for such public expenditure, governments tend to attach local input conditions to such programmes. Regardless of the objective, the design and structure of local content policies is rarely compatible with WTO rules, in particular as WTO panels and the WTO Appellate Body have taken a strong stance on government policies that impose local input criteria.

France bans "*meaty*" terms for plant-based products – will the EU follow?

Plant-based meat-like food is increasingly popular and the meat industry has been opposing the use of terms traditionally used for meat and meat products for plant-based alternatives. Against this background, on 29 June 2022 the Government of France adopted *Decree No. 2022-947 on the use of certain names used to designate foodstuffs containing vegetable proteins*, which prohibits the use of names designating foodstuffs of animal origin to be used to describe, market, or promote foodstuffs containing vegetable proteins. This article discusses the new French legislation and looks at the situation at the EU level where, different from dairy terms like milk and yoghurt, "*meaty*" terms like "*burger*" and "*sausage*" are not reserved for meat and meat products. France becomes the first EU Member State to impose such a ban, while the EU rejected in 2020 a similar proposal that would have resulted in EU-wide restrictions.

France's *Decree on the use of certain names to designate foodstuffs containing vegetable proteins*

The purpose of *Decree No. 2022-947* (hereinafter, Decree) is to lay down rules on the use of names designating products of animal origin and foodstuffs derived therefrom, for the purpose of describing, marketing, or promoting foodstuffs containing vegetable proteins. The Decree implements Article L. 412-10 of France's Consumer Code in its version resulting from Article 5 of *Law No. 2020-699 of 10 June 2020 on the transparency of information on agricultural and food products*, which provides that "*Names used to designate foodstuffs of animal origin may not be used to describe, market or promote foodstuffs containing vegetable proteins. A decree fixes the share of vegetable proteins beyond which this denomination is not possible. This decree also defines the modalities of application of this article and the penalties incurred in the event of non-compliance*" (unofficial translation).

It is not the first time that France is considering banning "*meaty*" names like "*bacon*" or "*sausage*" for plant-based foods, but it is the first time that a list of protected denominations for meat products has been introduced. In 2018, within the legislative procedure of France's draft Rural and Marine Fishing Code, it was discussed to amend France's *Consumer Code* regarding the naming of plant-based food products (see *Trade Perspectives*, Issue No. 9 of 4 May 2018), but the changes to the Consumer Code were finally only made in 2020 and are now implemented by the Decree. The Decree states in its introduction that it would "*not be possible to use the terminology specific to the sectors traditionally associated with meat and fish to refer to products not belonging to the animal kingdom and which, in essence, are not comparable*" (unofficial translation).

Article 2 of the Decree provides that, "*to designate a processed product containing vegetable proteins, it is prohibited to use: 1) A legal name for which no addition of vegetable proteins is provided for by the rules defining the composition of the food concerned; 2) A name referring to the names of species and groups of animal species, morphology or animal anatomy; 3) A name using the specific terminology of butchery, charcuterie or fishery; 4) A name of a food of animal origin representative of commercial uses*" (unofficial translation). Article 3 of the Decree provides for derogations from Article 2 by virtue of which "*the name of a food of animal origin may be used: 1) For foodstuffs of animal origin containing vegetable proteins in a determined proportion when such a presence is provided for by the regulations or mentioned in the list annexed to this decree; 2) To designate flavourings or food ingredients with flavouring properties used in foodstuffs*" (unofficial translation). According to Article 5 of the Decree, products legally manufactured or marketed in another EU Member State or in Turkey, or legally manufactured in another State party to the Agreement on the European Economic Area, are not subject to the requirements of the Decree.

The Annex to the Decree contains a list of names of foodstuffs of animal origin, which may contain vegetable proteins and the maximum share of vegetable proteins that may be contained in the foodstuffs for which those names are used. The list includes, *inter alia*, the terms "*preparation of minced meat*" (7.0% vegetable protein allowed), "*bacon*" (0.5%), "*bresaola*" (0,5%), "*sausage*" (0,5%), "*merguez*" (1,0%), "*chorizo*" (3,0%), "*pâté ardennais*" (5,0%), "*liquid/powdered whole egg*" (0.1%), and "*omelette*" (0.1%). The term "*burger*" does not appear to be covered by Article 2 and has not been listed in the Annex. According to industry sources, the uses of the term "*burger*" for plant-based food, used by many brands, including the companies *Beyond Meat* and *Impossible Foods*, "*would still be allowed as it does not specifically refer to meat*".

Prior to its adoption, France's draft Decree was notified to the European Commission under the EU Technical Regulation Information System's (TRIS) procedure on 1 October 2021 and received comments by the Commission on 20 December 2021 and, on 17 January 2022, by the Czech Republic, Portugal, Slovenia, and Sweden, as well as by other stakeholders. The European Consumer Organisation *BEUC* noted on 20 December 2021 that the Decree contradicts the EU's *Farm to Fork Strategy* and *Europe's Beating Cancer Plan*, which recognise the need to promote a more plant-based diet with less red and processed meat in the EU, in the interest of citizens' health and the environment. *BEUC* noted that "*a range of attractive, affordable, and convenient alternative sources of proteins must be available to consumers. The attractiveness of alternative protein sources depends a. o. on them being easily identifiable by consumers. The denomination of meat-free (or fish-free) products should neither mislead consumers nor discourage them from buying these products. The use of culinary names associated with meat, meat cuts or fish on plant-based foods (such as 'steak', 'sausage', 'burger') makes it easier for consumers to know how to integrate these products within a meal, and as such should not be banned*".

France nevertheless adopted the Decree with some amendments. In particular, the list in the Annex was added after the TRIS procedure and it did not include the term "*burger*".

The EU legal framework for "meaty" and dairy names for plant-based products

Also at the EU level, there has been a debate on the use of "*meaty*" and dairy names for plant-based products. For plant-based dairy names, the debate was mostly settled on 14 June 2017, when the Court of Justice of the European Union (hereinafter, CJEU) handed down its judgment in Case C-422/16 *TofuTown*. The German company *TofuTown* promoted and distributed purely plant-based products under the designations "*Tofu butter*", "*Plant cheese*", "*Cream*" and other similar designations. The CJEU held that purely plant-based products such as tofu or soya cannot, in principle, be marketed with designations such as "*milk*", "*cream*", "*butter*", "*cheese*" or "*yoghurt*", which, under *Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products (hereinafter, CMO Regulation)*, are reserved for animal products. The CJEU observed, in particular, that the addition of descriptive or explanatory terms indicating

the plant origin of the product concerned, and/or that it does not contain animal products, cannot completely exclude the likelihood of confusion on the part of consumers. As regards the principle of equal treatment, the CJEU held that each sector in the CMO R*egulation* embodies features specific to it and, as a result, a comparison of the technical rules and procedures adopted in order to regulate the various sectors of the market cannot constitute a valid basis for the purpose of proving discrimination between dissimilar products, which are subject to different rules.

In fact, for meat products, with a few exceptions, there are no legal names, similar to those for dairy products. Annex VII to of the CMO *Regulation* contains only general sales descriptions for meat of bovine animals (like "*veal*" in English), but currently no different language versions of meat products like "*sausage*", "*prosciutto*", or "*Schnitzel"*. In the context of the Commission's proposal revising the CMO Regulation, Members of the European Parliament proposed an amendment that intended to reserve the use of meat-related terms and names such as "*steak*", "*sausage*", or "*burger*", currently used for meat and meat cuts, "*exclusively for products containing meat*". However, on 23 October 2020, the European Parliament's plenary rejected the amendment, which had been approved by the European Parliament's Agriculture Committee. Thus, *Regulation (EU) 2021/2117 of the European Parliament and of the Council of 2 December 2021 amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products* does finally not include such reservation of terms. However, a provision was added to the CMO Regulation that a protected designation of origin and a protected geographical indication shall be protected against "*any misuse, imitation or evocation, even if the true origin of the product or service is indicated or if the protected name is translated, transcripted or transliterated or accompanied by an expression such as "style", "type", "method", "as produced in", "imitation", "flavour", "like" or similar, including where those products are used as ingredients*". Arguably, this provision would prohibit any reference to and "*evocation*" of dairy terms, for example "*creamy*", "*plant-based alternative to yoghurt*" or claims such as "*this product does not contain milk*".

Does France's Decree contradict EU policy initiatives?

France's Decree bans plant-based food products from using denominations associated with meat. Certain commentators have labelled France's move as a protectionist measure benefitting the meat sector. Others have argued that the Decree goes against the objectives of major EU policy initiatives, namely the EU's *Farm to Fork Strategy* and *Europe's Beating Cancer Plan*, which both emphasise the need to move to "*a more plant-based diet with less red and processed meat*", reducing not only risks of life-threatening diseases, but also the environmental impact of the food system. Furthermore, *Regulation (EU) 2021/1119 of the European Parliament and of the Council establishing the framework for achieving climate neutrality ('European Climate Law')* has the objective to reduce greenhouse gas emissions by at least 55% by 2030. Certain commentators argue that reducing emissions from the agricultural sector and shifting away from intensive animal farming and towards more plant-based diets might be necessary for meeting the Paris climate target of limiting global warming to "*well below*" 2°C.

The existing provisions of the *Regulation (EU) No. 1169/2011 on the provision of food information to consumers* may provide sufficient legal basis to protect consumers from being misled by denominations for plant-based meat alternatives if those are also denominated '*vegan*' or '*vegetarian*'. In addition, a study conducted by German market research company *Forsa* found that only 4% of German consumers unintentionally bought meat substitutes thinking it was animal-based.

According to its Article 8, *Decree No. 2022-947* enters into force on 1 October 2022 and foodstuffs manufactured or labelled before 1 October 2022, which comply with the regulations in force on that date, may be marketed until stocks are depleted, and at the latest until 31 December 2023. The next steps taken in the EU and its Member States on the use of "*meaty*" names for plant-based products should be monitored and stakeholders should be prepared to

participate in the debate by interacting with relevant EU Institutions, trade associations, and other affected stakeholders.

Recently adopted EU legislation

Trade Law

- *Commission Implementing Regulation (EU) 2022/1184 of 8 July 2022 amending Regulation (EU) No 468/2010 establishing the EU list of vessels engaged in illegal, unreported and unregulated fishing*

Trade Remedies

- *Commission Implementing Regulation (EU) 2022/1221 of 14 July 2022 imposing a provisional anti-dumping duty on imports of certain aluminium road wheels originating in Morocco*

- *Commission Implementing Decision (EU) 2022/1178 of 7 July 2022 not to prolong the suspension of the definitive anti-dumping duties imposed by Implementing Regulation (EU) 2021/1784 on imports of aluminium flat-rolled products originating in the People's Republic of China*

- *Commission Implementing Regulation (EU) 2022/1167 of 6 July 2022 amending Implementing Regulation (EU) 2021/633 imposing a definitive anti-dumping duty on imports of monosodium glutamate originating in the People's Republic of China and in Indonesia following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council following a partial interim review*

- *Commission Implementing Regulation (EU) 2022/1162 of 5 July 2022 making imports of electric bicycles originating in the People's Republic of China subject to registration following the reopening of the investigations in order to implement the judgments of 27 April 2022 in cases T-242/19 and T-243/19, with regard to Implementing Regulation (EU) 2019/73 and Implementing Regulation (EU) 2019/72*

Food Law

- *Commission Implementing Regulation (EU) 2022/1219 of 14 July 2022 amending Annex III to Implementing Regulation (EU) 2020/2235 as regards model certificates for the entry into and transit through the Union of consignments of certain composite products*

- *Commission Implementing Regulation (EU) 2022/1160 of 5 July 2022 amending Implementing Regulation (EU) 2017/2470 as regards the conditions of use and the specifications of the novel food nicotinamide riboside chloride*

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