



- **Politics, policy, and trade law: The implementation and enforcement of EU trade agreements and the state-of-play of EU trade negotiations at the end of 2023**
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Politics, policy, and trade law: The implementation and enforcement of EU trade agreements and the state-of-play of EU trade negotiations at the end of 2023

On 15 November 2023, the European Commission (hereinafter, Commission) published its *Report on the implementation and enforcement of EU trade policy* (hereinafter, Report), which “provides an overview of the main activities and achievements, steered by the Commission’s Chief Trade Enforcement Officer (CTEO) in 2022 and the first quarter of 2023”. Essentially, the Commission notes that the effectiveness of EU trade agreements largely depends on “*their implementation and enforcement, and on ensuring trading partners respect their commitments*”. The prevention of new obstacles to trade and the removal of existing ones is, therefore, crucial and has become an important focus of the EU. Businesses can only derive benefits from the EU’s trade agreements if these are properly implemented by all involved and enforced as necessary when it comes to the trade barriers maintained by third countries. This article provides an overview of the Commission’s Report, delves into how the EU coordinates with stakeholders to implement and enforce commitments by its trading partners, and provides an update on the state-of-play of EU trade negotiations.

The 2023 Report on the implementation and enforcement of EU trade agreements

The EU currently has a network of 42 preferential trade agreements (hereinafter, PTAs) with 74 trading partners worldwide, which provide “*opportunities for EU companies in foreign markets, while also promoting EU values and international commitments on trade and sustainable development*”. In the past years, the Commission has put greater emphasis on the effective implementation and enforcement of trade commitments at the multilateral and bilateral level and annually reports on its activities.

The Report contains the following key sections: 1) Making full use of the opportunities provided by EU trade agreements; 2) Helping small and medium-sized enterprises find their place in global trade; 3) Addressing barriers and finding solutions; and 4) Bilateral and multilateral enforcement of trade commitments: resolving disputes. Importantly, the Report is accompanied by a *Commission Staff Working Document* containing more detailed information on the implementation of 39 trade agreements. The Report finds that a large share of the EU’s

international trade was undertaken under its PTAs. Notably, similar to the period 2020-2021, *“between 2021 and 2022 trade between the EU and preferential partners grew more strongly by value (by 21.2%) than EU trade with non-preferential partners (18.9%)”*. According to the Report, the EU’s PTAs enable EU businesses to have *“reliable access to inputs”*, to *“solidify supply chains”*, and to *“diversify sources of imports, thus reducing the EU’s overall dependencies on third countries, as is the case for critical raw materials and energy products”*.

Mechanisms to identify, prevent, and resolve trade barriers

In pursuing the implementation of the EU’s PTAs, the Commission prioritises communicating and promoting the benefits of PTAs to EU businesses interested in or competing in third-country markets. Additionally, the Commission notes that, *“throughout the lifecycle”* of the EU’s PTAs, the Commission *“uses institutional structures”*, such as the committees and working groups established under the respective PTAs, *“for a multitude of different objectives, ranging from barrier prevention and removal to cooperation with partner countries and negotiations on additional market access”*. To address trade barriers, the Commission *“cooperates closely”* and regularly *“in different configurations”* with the EU’s trading partners.

The EU’s *‘Single Entry Point’*, operational since 2020, streamlines the reporting process for stakeholders. Through the *‘Single Entry Point’*, businesses can *“report to the Commission (alleged) barriers to market access or infringements of trade and sustainable development commitments”*, which the Commission assesses and, *“where justified”*, follows up *“with the respective partner countries”*. In case bilateral engagements fail to yield *“satisfactory results”*, the EU may then *“initiate legal enforcement actions”* under the dispute settlement process of the World Trade Organization or the respective PTA.

For instance, with respect to the implementation of the [EU-Canada Comprehensive Economic and Trade Agreement \(CETA\)](#), the Report notes that, in June 2022, following *“intense discussions in the relevant CETA committees”*, *“Canada finally eliminated the federal excise duty exemption for local (Canadian) wines”*. Notably, Article 2.3:1 of the CETA provides that *“each Party shall accord national treatment to the goods of the other Party in accordance with Article III of the GATT 1994. To this end Article III of the GATT 1994 is incorporated into and made part of this Agreement”*. Article III of the WTO General Agreement on Tariffs and Trade (GATT) concerning *‘National Treatment on Internal Taxation and Regulation’* prohibits levying internal taxes or charges in excess of those applied to *‘like’* domestic products. The Commission notes that, contrary to its national treatment commitments, Canada’s *“local wines, unlike wines imported from the EU, were exempt from a measure equivalent to an ad valorem behind the border tax of more than 9%”*. Through the removal of this measure, EU businesses exporting wine to Canada now compete on level playing field with its Canadian competitors.

The EU’s increasing focus on trade and sustainable development

In June 2022, the European Commission published a Communication on [The power of trade partnerships: together for green and just economic growth](#) (see [Trade Perspectives, Issue No. 13 of 4 July 2022](#)), which put forward, *inter alia*, the EU’s intention to strengthen the implementation and enforcement of the Chapters on Trade and Sustainable Development (hereinafter, TSD) contained in the EU’s PTAs, in particular, by extending certain aspects of the general State-to-State dispute settlement procedures to the TSD Chapters. This means that a party found to be in violation of its TSD commitments would be required to inform the other party of its plan to comply with a panel report and to carry out such plan over a certain period of time. The Communication also indicated the possibility to apply, as a last resort, trade sanctions in cases of a failure to comply with obligations that materially defeat the objective and purpose of the *Paris Agreement on Climate Change* or in cases of serious instances of non-compliance with the International Labour Organization’s fundamental principles and rights at work.

The Report notes that, following the EU’s new approach vis-à-vis the TSD Chapters in its PTAs, the Commission *“stepped up action, making its 2022 TSD review operational”*. Notably,

the Commission improved the “*complaints mechanism regarding alleged TSD violations submitted to the Commission’s Single Entry Point (SEP)*”, which “*includes specific timelines for the Commission to react*”. In this context, on 17 May 2022, the first [formal complaint](#) concerning labour rights in Colombia and Peru was lodged via the EU’s ‘Single Entry Point’ by the Dutch non-governmental organisation ‘*CNV International*’, a trade union working closely with international partner trade unions, on behalf of trade unions in Colombia and Peru. The complaint relates to the commitments on “*decent work, more specifically the obligation to comply with fundamental labour rights, freedom of association and the right to equality*” in the [EU-Colombia-Peru-Ecuador Trade Agreement](#), which has been provisionally applied with Peru since 1 March 2013 and with Colombia since 1 August 2013. The Commission notes that a “*preliminary assessment identified potential shortcomings in the enforcement of labour laws in both countries*” and that the Commission was “*now engaging with them further to follow up on the identified potential shortcomings*” and would provide “*information of its conclusions as soon as its work is finalised*”.

State-of-play of EU trade negotiations: progress, stagnation, and setbacks

While pursuing the implementation and enforcement of concluded agreements, the EU also continues to negotiate new or to update existing PTAs. 2023 showed some important progress, while other negotiations only slowly advanced, and others even stalled, at least for the time being. In terms of good progress, in November 2023, the EU ratified the [EU-New Zealand Free Trade Agreement](#), which is now awaiting ratification by New Zealand in order to enter into force. The [EU-Chile Advanced Framework Agreement](#), whose negotiations were concluded in December 2022, is expected to be signed in December 2023 and will enter into force following the ratification by the EU and Chile. Similarly, the [EU-Kenya Economic Partnership Agreement](#), whose negotiations were concluded in June 2023, is awaiting the Council of the EU’s approval for the signature and conclusion. Should the approval come in time, the Commission also expects this agreement to be signed in December 2023. With respect to the recently resumed negotiations with Thailand (see *Trade Perspectives, Issue No. 18 of 9 October 2023*), both the EU and Thailand voiced their optimism that negotiations could be concluded in 2025 and the second round of negotiations will already take place during the week of 22 January 2024.

Final negotiations also appear to be moving forward with regard to [the modernisation of the EU-Mexico Association Agreement](#), whose negotiations were concluded in 2018, as well as for the [EU-Mercosur Association Agreement](#), whose negotiations were technically concluded in 2019. On 28 November 2023, European Commission Executive Vice-President and European Commissioner for Trade *Valdis Dombrovskis* stated that Mercosur countries had “*made it clear that they want to seal the deal*”, but that, “*at the same time*”, there had been “*a number of requests from Mercosur countries*” that the EU found “*difficult to address*”. Currently, the EU and the Mercosur countries are “*engaged in an intense schedule of negotiations with the aim to conclude swiftly*”. Reportedly, European Commission President *Ursula von der Leyen* and Brazil’s President *Luiz Inácio Lula da Silva* “*are planning to meet*” at the sidelines of the United Nations’ Climate Change Conference in Dubai, UAE, which is being held from 30 November to 12 December 2023, “*to make a final political push for the agreement*”.

At the same time, other negotiations have only been progressing slowly. With Indonesia, the 16th round of negotiations will take place in December 2023, but further delays are expected in the coming months due to the Presidential elections in Indonesia in February 2024. Regarding the EU-India trade negotiations, six rounds of the resumed negotiations were held so far, but negotiations largely stagnated “*due to significant gaps in ambitions and expectations*”, while both sides continue to underline that they remain “*committed to progress*” and to “*bridging the gaps*”.

Concerning the collapse of the final negotiations of the EU-Australia trade negotiations, Commissioner *Dombrovskis* noted that “*a deal was well within reach, and yet the Australian side backtracked at the last minute by re-tabling old demands that did not reflect our recent negotiations*” and that, while the EU was eager to reach an agreement, the EU would “*prioritise substance over speed*”. The failure to reach an agreement, notably due to the EU’s market

access for Australian agricultural products, was strongly criticised by business associations on both sides and pressure remains high to conclude the agreement.

Negotiating and enforcing

Going forward, the negotiation, conclusion, implementation, and enforcement of PTAs will remain a priority for the EU. However, given the June 2024 elections of the European Parliament, progress must be made in the first few months of the new year. Businesses should be increasingly vigilant when it comes to trade concerns and trade barriers in third countries, as the European Commission has a growing toolbox at its disposal to address these issues with its trading partners. Addressing such concerns, for example through well-prepared complaints via the EU's *Single Entry Point*, can have a significant commercial impact.

The Government of Indonesia implements new Customs requirements for imports of consigned goods purchased via e-commerce platforms

On 12 October 2023, Indonesia's Ministry of Finance issued *Minister of Finance Regulation (PMK) No. 96 of 2023 on Customs, Excise and Tax Provisions on the Import and Export of Consigned Goods* (hereinafter, MOF Regulation 96/2023), which entered into force on 17 October 2023. *MOF 96/2023* aims at providing legal certainty regarding Customs, excise, and tax provisions for the import and export of "consigned goods", namely goods purchased via e-commerce platforms and shipped through postal operators.

Most notably, *MOF Regulation 96/2023* requires e-commerce operators, namely online retailers and digital marketplaces, to establish collaborative partnerships with Indonesia's Directorate General of Customs and Excise and subjects additional goods to Indonesia's Most-favoured Nation (MFN) import tariff rates that were previously subject to a flat import tariff. According to the Technical Director of Customs within the Directorate General of Customs and Excise (hereinafter, Customs Authority) under Indonesia's Ministry of Finance, *Fadjar Donny*, *MOF Regulation 96/2023* was issued following the mandate defined by the President of Indonesia, *Joko Widodo*, to reduce the import of consumption goods, and it aims at protecting micro, small and medium enterprises (MSMEs) in Indonesia.

The regulation of e-commerce in Indonesia

Indonesia is one of the fastest-growing e-commerce markets in Southeast Asia and, to date, it is home to over 213 million Internet users. In 2022, Indonesia accounted for around 40% of the total value of digital economy transactions in Southeast Asia, corresponding to a value of USD 77 billion.

Considering the important role of e-commerce for Indonesia's economy, the Government of Indonesia has been adjusting the relevant regulatory framework. E-commerce transactions are primarily governed by *Law No. 7 of 2014 on Trade*, as further implemented by *Government Regulation No. 80 of 2019 on Trade Through Electronic Systems* and *Minister of Trade Regulation No. 31 of 2023 concerning Business Licensing, Advertising, Guidance and Supervision of Business Actors in Trading Through Electronic Systems* (hereinafter, MOT Regulation No. 31 of 2023). *MOT Regulation No. 31 of 2023*, which seeks to protect MSMEs from "predatory pricing", regulates the registration and licensing requirements for digital trade platforms, requires imported products to conform with the same standards as domestic products in order to be placed on the Indonesian market, and provides rules on the advertisement of goods and services on digital platforms (see *Trade Perspectives*, Issue No. 18 of 9 October 2023).

The quest to address the surge of lower-priced imported goods

Over the past years, Indonesia has been experiencing a surge of imported goods, which are mostly sold through e-commerce platforms at lower prices compared to domestic goods, often referred to as “*predatory pricing*” schemes. The imported goods sold through e-commerce platforms pose an increasing challenge for businesses based in Indonesia, particularly for MSMEs, as consumers’ preferences gradually shifted from domestic to imported products. While *MOT Regulation No. 31 of 2023* has, *inter alia*, established a minimum import price of USD 100 for goods sold through e-commerce platforms and requires imported products to abide by the same standards as domestic products, the Regulation is considered insufficient by the Government of Indonesia to eradicate predatory pricing practices and to effectively reduce the amount of imported goods.

Furthermore, Indonesia’s Customs Authority reported the increasing practice of under-invoicing (*i.e.*, reporting a price below the transaction value) of imported consigned goods in Indonesia, through which importers seek to unlawfully obtain an import duty exemption or tariff reduction. This not only creates losses of State revenues, but also leads to certain imported goods being sold at cheaper prices, to the detriment of the competing domestic industry. Therefore, Indonesia’s Ministry of Finance issued *MOF Regulation 96/2023*, which aims at increasing the control of imported products by providing “*legal certainty and clear rules regarding customs, excise and tax provisions for the import and export of consigned goods*”.

Clarifying the applicable import rules for e-commerce operators

MOF Regulation 96/2023 officially revoked the previous regulation, namely *Minister of Finance Regulation Number 199/PMK.010/2019 concerning Customs, Excise and Tax Provisions on Imports Delivery Goods* (hereinafter, *MOF Regulation 199/2019*), and introduced new import and export requirements for consigned goods purchased via e-commerce platforms.

Article 2(5) of *MOF Regulation 96/2023* distinguishes two categories of e-commerce operators, namely the one of ‘*online retailers*’, which refers to a website or application created by businesses to sell their own products, and the one of ‘*marketplaces*’, which refers to the platforms provided companies in the form of a website or application for businesses to conduct their sales. Under *MOF Regulation 96/2023*, e-commerce operators are now considered as the “*importers*” of consigned goods purchased via e-commerce platforms and, therefore, are responsible for paying the relevant import and excise duties, and/or the applicable taxes in the context of importation, and will be subject to administrative sanctions in the form of fines, for example when providing incorrect import data. According to the Vice Chairman of the *Indonesian E-Commerce Association (idEA)*, *Budi Primawan*, the change of status of e-commerce operators to “*importers*” might be difficult for marketplace operators to comply with, as they “*only act as an intermediary for goods purchased from abroad*”, further noting that “*only the sellers on the platform have detailed knowledge about the imported products*”.

Mandatory partnership with the Directorate General of Customs and Excise

The increasing practice of under-invoicing in the context of importation of consigned goods via e-commerce platforms has been difficult to control by Indonesia’s Customs Authority, due to the high traffic of imported goods. To address the fraudulent practice of under-invoicing, as well as to make controls by the Customs Authority more effective and efficient, Article 13 of *MOF Regulation 96/2023* requires all e-commerce operators, which carry out more than 1,000 import transactions of consigned goods in one calendar year, to enter into a ‘*partnership scheme*’ with Indonesia’s Customs Authority. Previously, such partnership was voluntary under *MOF Regulation 199/2019*. The partnership mainly concerns the exchange of the e-catalogue and e-invoices for the consigned goods via an information system.

In general terms, the Customs Authority will cross-check the data submitted by e-commerce operators, including price data, notably the price of the goods and transportation/delivery costs, with the “*Consignment Note*” that arrives with the goods. This is intended to facilitate the Customs authorities’ work in comparing the actual price of the imported goods with the price indicated in the invoice. *MOF Regulation 96/2023* states that, if an e-commerce operator were

to refuse to establish a partnership with the Customs Authority, their consigned goods would not be further processed and, consequently, would not be cleared from the port. While the partnership obligation will require additional efforts from e-commerce operators, especially in terms of compiling the relevant data, they would benefit from the faster release of goods.

Adjusting tariffs to protect domestic businesses

As a general rule, when imported into Indonesia, consigned goods with a free-on-board value (*i.e.*, the price of goods at the frontier of the exporting country) between USD 3 to USD 1,500 are subject to a flat import tariff rate of 7.5% and to value-added tax of 11%. In accordance with *MOF Regulation 199/2019*, an exception applies to certain categories of products, which are subject to Indonesia's MFN tariff rate. Under *MOF Regulation 199/2019*, the MFN tariff rate only applied to: 1) Bags (HS Code 4202) at MFN tariffs of 15% to 20%; 2) Books (HS Codes 4901 to 4904) at 0%; 3) Textiles (HS Code 616263) at 15%; and 4) Shoes (HS Code 64) MFN tariffs from 25% to 30%.

On the basis of *MOF Regulation 96/2023*, the Government of Indonesia expanded the list to the following products: 1) Cosmetics (HS Codes 3303, 3304, 3305, 3306, and 3307) at 10% to 25% MFN; 2) Watches (HS Codes 9101 and 9102) at 10%; 3) Iron and steel goods (HS Code 73) with 0% to 20%; and 4) Bicycles (HS codes 8711.60.92, 8711.60.93, 8711.60.94, 8711.60.95, 8711.60.99, and 8712) at 25% to 40%. The imposition of the higher MFN tariffs on the four additional product types intends to protect Indonesian MSMEs from the high volume of imports.

Restricting the future of cross border e-commerce trade?

In view of the new obligations for e-commerce operators as "*importers*", namely the requirement to submit additional documents required under the partnership with Indonesia's Customs Authority, *idEA* Vice Chairman *Primawan* noted that e-commerce operators could be hesitant to engage in cross-border commerce transactions in the future or could refrain from selling imported consigned products to customers in Indonesia. An economist from the *Center of Reform on Economics* (CORE Indonesia) noted that, while rules for tightening and supervising the import of goods were needed to protect MSMEs, "*restrictive*" policies were only "*a short-term solution*". Rather, in order to make Indonesia's MSMEs more competitive vis-à-vis their foreign competitors, the Government of Indonesia should look into increasing the capacity building of its MSMEs and helping them to digitalise.

Given the recent entry into force of *MOF Regulation 96/2023*, e-commerce operators should take the necessary steps to ensure compliance and must be prepared to adjust their practices, notably by establishing the partnership scheme with Indonesia's Customs Authority. E-commerce operators trading books, watches, iron and steel goods, bicycles, bags, textiles, shoes, and cosmetics, should check the newly applicable tariffs.

New rules on digital labelling in the fertiliser sector under discussion in the EU

On 17 November 2023, the Council of the EU adopted its [position](#) on the European Commission's (hereinafter, Commission) [Proposal for a Regulation of the European Parliament and of the Council amending Regulation \(EU\) 2019/1009 as regards the digital labelling of EU fertilising products](#), which had been published on 27 February 2023. Notably, the Commission proposes that, when it comes to the labelling of fertilising products, "*a digital-only format will be allowed when the EU fertilising products are sold without packaging or when the products are sold to economic operators who are not end-users of the products*".

The Council of the EU's position proposes a number of amendments the Commission's text. The position agreed by the Council of the EU formalises its negotiating position for inter-institutional *trilogue* negotiations with the European Parliament and the Commission. This article provides an overview of the Proposal and the changes proposed by the Council of the

EU. The article also discusses the significance of a digital label and its implications for the agricultural sector.

The Proposal and its background

Labelling of EU fertilisers is regulated by *Regulation (EU) 2019/1009 of the European Parliament and of the Council laying down rules on the making available on the market of EU fertilising products*. Article 2(1) of *Regulation (EU) 2019/1009* defines 'fertilising product' as "a substance, mixture, micro-organism or any other material, applied or intended to be applied on plants or their rhizosphere or on mushrooms or their mycosphere, or intended to constitute the rhizosphere or mycosphere, either on its own or mixed with another material, for the purpose of providing the plants or mushrooms with nutrient or improving their nutrition efficiency". According to Article 2(2) of *Regulation (EU) 2019/1009*, 'EU fertilising product' means "a fertilising product which is CE marked when made available on the market".

Article 4(1) of *Regulation (EU) 2019/1009* provides that EU fertilising products are to be labelled in accordance with the labelling requirements defined in Annex III to the Regulation. Annex III includes general labelling requirements, including the designation of the *Product Function Category* (PFC); the quantity of the EU fertilising product; instructions for intended use, including application rates, timing and frequency, and target plants or mushrooms; recommended storage conditions; for products containing a polymer belonging to component material category (CMC) 9, the time period following use during which the nutrient release is being controlled or the water retention capacity is being increased; any relevant information on measures recommended to manage risks to human, animal or plant health, to safety or to the environment; and a list of all ingredients above 5% by product weight or volume. In addition, there are certain product-specific labelling requirements.

The Regulation's extensive labelling requirements create an overload of information provided on each label. While the provision of such detailed information caters better to the appropriate use of products characterised by innovative components, as well as to the growing social interest in their environmental and health impacts, it also constrains the labels' readability. In 2020, the Commission published its [report](#) on the 'fitness check' of the most relevant chemicals legislation, including *Regulation (EU) 2019/1009*. Among its conclusions, the Commission noted that not all the opportunities to improve and simplify the communication of chemical hazards and safety information to consumers had yet been seized, including those presented by digital technologies.

The Commission's Proposal of 27 February 2023 foresees to amend *Regulation (EU) 2019/1009* mainly by introducing a set of digital labels for EU fertilising products on a voluntary basis to make the most of digital solutions to increase the readability of labelling without compromising the objectives of protecting public health and the environment. The new rules would allow suppliers of fertilising products to communicate labelling information in a physical format, a digital format (in certain cases, when the products are sold to economic operators who are not end-users of the products), or a combination of the two formats. The rationale for digital labelling is, on the one hand, the deployment of digital solutions such as QR codes, which can lower the cost of labelling, while facilitating the updating of content; and on the other hand, physical labelling becoming more complex and difficult to read.

The extent of the information that is to be provided digitally depends on the nature of the buyer, namely if a product is offered for sale to an economic operator or an end-user. Farmers and other consumers of fertilising products sold in packaging would continue to benefit from both digital and physical labels for the most important information (*i.e.*, health and environmental protection, agronomic efficiency or contents). The Commission's Proposal prescribes the content and the technological requirements for digital labels. More specifically, economic operators would have to ensure that the digital label be searchable, accessible, and free of charge. The Commission's text foresees that a digital-only format would only be allowed when the EU fertilising products are sold without packaging or when the products are sold to economic operators that are not end-users of the products. The Proposal also foresees the

introduction of a single set of technological requirements for all established labels to ensure that labels are accessible free of charge. Through the options for digital labelling, the Proposal aims at improving the readability of labels leading to a more efficient use of fertilising products and to simplify the labelling obligations for suppliers, while reducing costs for the industry.

On 16 February 2023, the European Parliament adopted a [European Parliament Resolution on the Commission communication on ensuring availability and affordability of fertilisers](#). The European Parliament considers that digitalisation would improve fertilisation efficiency, thereby helping to alleviate the adverse ecological impacts, as well as the increased costs of fertilisers.

The Council of the EU's position

According to a [press release](#) issued by the Council of the EU, the Council's position on digital labelling in the fertilisers sector "*shares the main objectives of the amended regulation*", but proposes several amendments, "*in an attempt to strike the right balance between moving towards the digitalisation of labels for economic operators and the prevention of potential information problems for end-users, taking into consideration digital skills and connectivity limitations that some farmers may face*". The proposed changes concern: 1) Clarifying the obligation to provide a physical label for products intended for end-users, sold with or without packaging; 2) Importer information as a mandatory element of digital labels; and 3) A requirement to post physical labels in a visible place at the point of sale to "*ensure that end-users and market surveillance authorities have access to the information not provided in the digital label*".

The Council's position pursues to clarify the obligation to provide a physical label for products intended for end-users, whether they are sold with or without packaging and the requirements for digital labels would be streamlined to avoid excessive administrative burden. For instance, the Council proposes that the quantity of the product, which may change frequently, be made a non-mandatory element of the digital label to avoid a new digital label having to be generated during each transaction if the volume of the product changes. Likewise, the production date of the product would be retained as a non-mandatory element of the digital label if it is already stated on the physical label. To ensure better traceability and to level the playing field with local distributors, the Council proposes to add importer information as a mandatory element of the future digital labels.

The Council further proposes to introduce a requirement to post physical labels in a visible place at the point of sale to ensure that end-users and market surveillance authorities have access to the information not provided on the digital label. This would allow potential buyers to consult the data needed to make an informed decision regardless of their digital skills or access to the internet, while providing distributors with a simple way to comply with the obligation to provide this information to their customers. The Council position intends to make sure that labels would continue to include the relevant information for assessing the agronomic efficiency of the fertiliser and for selecting the right product at the time of purchase. Therefore, some elements that, in the Commission's Proposal, had been moved to the digital label, would be moved back to the physical format. This includes, *inter alia*, the soluble content of the nutrients in fertilisers.

Anticipated impact

The forthcoming amendments to *Regulation (EU) 2019/1009* will reinforce the digitalisation of the fertilisers' sector and the new rules are poised to reduce the administrative burden and costs for producers and give clear and consumer-friendly information to farmers when they purchase the products they need. According to the Commission, the simplification of labelling obligations is expected to reduce annual costs by, on average, EUR 57,000 for a large company and EUR 4,500 for an SME.

Next steps

On 3 November 2023, the European Parliament's *Committee on the Internal Market and Consumer Protection* (IMCO) had adopted its [report](#) on the Proposal and, on 9 November 2023, the Committee decision to enter into interinstitutional negotiations was confirmed by the European Parliament's plenary. Now that the Council of the EU has also determined its position, inter-institutional *trilogue* negotiations can begin with the objective to reach a commonly agreeable text. The next steps taken on digital labelling for fertilisers should be closely 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

- *Council Decision (EU) 2023/2608 of 9 November 2023 on the position to be taken on behalf of the European Union within the Association Committee in Trade configuration and within the Association Council established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part as regards the positive assessment of the implementation of phases 1 and 2 as set out in Annex XXI-A to the Association Agreement, and the market access linked thereto*
- *Notice concerning the date of entry into force of the Agreement between the European Union and the Republic of Chile pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union*
- *Proposal for a COUNCIL REGULATION amending Regulation (EU) 2021/2283 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products*
- *Proposal for a COUNCIL REGULATION amending Regulation (EU) 2021/2278 suspending the Common Customs Tariff duties referred to in Article 56(2), point (c), of Regulation (EU) No 952/2013 on certain agricultural and industrial products*
- *Commission Implementing Decision (EU) 2023/2609 of 22 November 2023 repealing Decision 2008/698/EC on the temporary admission and imports into the Community of registered horses from South Africa*
- *Regulation (EU) 2023/2663 of the European Parliament and of the Council of 22 November 2023 amending Regulation (EU) No 978/2012 applying a scheme of generalised tariff preferences*

Customs Law

- *Commission Implementing Regulation (EU) 2023/2656 of 21 November 2023 concerning the classification of certain goods in the Combined Nomenclature*

Trade Remedies

- *Commission Implementing Regulation (EU) 2023/2602 of 22 November 2023 accepting a request for new exporting producer treatment with regard to the*

definitive anti-dumping measures imposed on imports of certain iron or steel fasteners originating in the People's Republic of China and amending Implementing Regulation (EU) 2022/191

- *Commission Implementing Regulation (EU) 2023/2605 of 22 November 2023 amending Implementation Regulation (EU) 2022/926 imposing a definitive anti-dumping duty on imports of tubes and pipes of ductile cast iron (also known as spheroidal graphite cast iron) originating in India, following a partial interim review pursuant to Article 11(3) of Regulation (EU) 2016/1036 of the European Parliament and of the Council*
- *Commission Implementing Regulation (EU) 2023/2659 of 27 November 2023 imposing a provisional anti-dumping duty on imports of certain polyethylene terephthalate originating in People's Republic of China*
- *Commission Implementing Regulation (EU) 2023/2653 of 27 November 2023 amending Implementing Regulation (EU) 2023/1776 imposing a definitive anti-dumping duty on imports of melamine originating in the People's Republic of China following a new exporter review pursuant to Article 11(4) of Regulation (EU) 2016/1036 of the European Parliament and of the Council*

Food Law

- *Commission Delegated Regulation (EU) 2023/2598 of 11 September 2023 correcting the Slovenian language version of Commission Delegated Regulation (EU) 2022/2104 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards marketing standards for olive oil*
- *Commission Implementing Regulation (EU) 2023/2664 of 22 November 2023 amending Regulation (EC) No 1484/95 as regards fixing representative prices in the poultrymeat and egg sectors and for egg albumin*
- *Proposal for a COUNCIL REGULATION amending Annex II to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for thiacloprid in or on certain products*
- *Corrigendum to Commission Regulation (EU) 2023/2108 of 6 October 2023 amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council and the Annex to Commission Regulation (EU) No 231/2012 as regards food additives nitrites (E 249-250) and nitrates (E 251-252) (Official Journal of the European Union L, 2023/2108, 9 October 2023)*
- *Commission Delegated Regulation (EU) 2023/2652 of 15 September 2023 amending and correcting Delegated Regulation (EU) 2022/2292 with regard to requirements for the entry into the Union of honey, meat, highly refined products, gelatine capsules, fishery products and requirements for private attestation and amending Delegated Regulation (EU) 2021/630 as regards private attestation requirements for composite products exempted from official controls at border control posts*
- *Commission Implementing Regulation (EU) 2023/2660 of 28 November 2023 renewing the approval of the active substance glyphosate in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) No 540/2011*

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