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Argentina raises a specific trade concern at the WTO regarding Spain's biodiesel measure

Argentina has voiced its concerns before the WTO Committee on Technical Barriers to Trade (hereinafter, TBT) in respect of a measure adopted by Spain, claiming that it is WTO inconsistent. The Spanish measure at issue is Ministerial Order IET/822/2012 ('*Orden IET/822/2012, de 20 de abril, por la que se regula la asignación de cantidades de producción de biodiésel para el cómputo del cumplimiento de los objetivos obligatorios de biocarburantes*') (hereinafter, the Measure), which was published on 21 April 2012 and entered into force on 22 April 2012. The Measure implements a system for the allocation of biodiesel production volumes for the computing of compliance with the targets put forward by the '*Renewable Energy Directive*' (*Directive 2009/28/CE of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC*).

The '*Renewable Energy Directive*', establishes a common framework for the promotion of energy from renewable sources in the EU by, *inter alia*, setting mandatory national overall targets and measures for the use of energy from renewable sources in order to reduce emissions and to achieve the EU's climate change and energy policy objectives. *Inter alia*, the '*Renewable Energy Directive*' introduces sustainability criteria for biofuels (and bioliquids), based on the life cycle greenhouse gas emissions of biofuels and the characteristics of the land used to produce them. Biofuels that do not meet the sustainability requirements can still be imported and marketed in the EU, but they cannot be counted for compliance with renewable energy national targets and are not entitled to financial support. Spain's Measure lays down the necessary conditions to be met by plants in order to participate in the procedure of allocation of biodiesel production volumes, for the computing of the mandatory objectives laid down by the EU regime. It provides that the holder of a plant willing to have its biodiesel computed for the purposes of the EU '*Renewable Energy Directive*' may request the allocation of an annual biodiesel production volume, provided that the plant is duly licensed. However, the wording of the Measure suggests that only plants located in Spain or in the EU are entitled to request the allocation of a biodiesel production volume.

Argentina argues that the Measure has prohibitive and trade distortive effects, in that it *de facto* prohibits the importation of biodiesel from outside the EU, and particularly from Argentina, which is the leading exporter of biodiesel to Spain. Because it only applies to biodiesels, Argentina claims that the Measure is discriminatory and effectively targeted at Argentina's biodiesel products. Argentina reportedly stated within the TBT Committee that its biodiesel, which is derived from soybeans, complies with EU sustainability criteria and is a '*like product*' to Spanish and EU biodiesel. As a result, Argentina claims that the Measure violates the most favoured nation (hereinafter, MFN) treatment and national treatment principles under Article 2.1 of the TBT Agreement. Argentina also claims that the Measure is

in violation of Article 12.3 of the TBT Agreement, because it fails to take account of the special developmental, financial and trade needs of developing country Members, by creating unnecessary obstacles to exports from Argentina. Furthermore, Argentina claims that the measure cannot be considered as environmental in nature and, as a result, it is a disguised measure adopted in order to target and penalise Argentina's biodiesel industry. Reportedly, the EU argued that the Measure does not fall within the scope of the TBT Agreement and, therefore, it should not be addressed within the TBT Committee.

The TBT Agreement applies to technical regulations, standards, and conformity assessment procedures that are aimed at determining compliance with technical regulations and standards. In order for an instrument to be considered a technical regulation within the meaning of the TBT Agreement, the WTO Appellate Body in *EC – Sardines* clarified that the measure at stake must: (1) apply to an identifiable product or group of products; (2) lay down product characteristics; and (3) provide that compliance with the product's characteristics must be mandatory. Spain's Measure, as well as the EU's '*Renewable Energy Directive*' apply, respectively, to an identifiable group of products (*i.e.*, biodiesel and biofuels/bioliquids respectively). Arguably, they lay down characteristics related to the product, inasmuch as they ascribe a '*sustainability*' value to biodiesel based on process and production methods. Lastly, they are mandatory, inasmuch as they prescribe the conditions that biodiesel need to comply with for purposes of being eligible against the '*Renewable Energy Directive*'s' targets and financial support. As it was recently established by the panel and the Appellate Body in *US – Tuna II (Mexico)*, an instrument may be mandatory in a '*negative'* way (*i.e.*, when it is legally enforceable and it prescribes in a binding manner the requirements for a product to obtain a given authorisation): in this case, to be eligible to request the allocation of a biodiesel production volume under the '*Renewable Energy Directive*' (see, Trade Perspectives Issues No. 17 of 23 September 2011, and No. 10 of 18 May 2012).

Should the '*Renewable Energy Directive*' and the Spanish Measure that implements it qualify as technical regulations, then a potential violation of Article 2.1 of the TBT Agreement may be established. In making this determination, the Appellate Body in *US – Clove Cigarettes* adopted an interpretative approach based on both the TBT Agreement and Article III:4 of the General Agreement on Tariffs and Trade 1994 (hereinafter, GATT), stressing that '*likeness'* under Article 2.1 of the TBT Agreement is a determination of the '*nature and extent of a competitive relationship*' between the two products at issue (*i.e.*, Argentine biodiesel and EU biodiesel) (for additional background on the Appellate Body decision, see Trade Perspectives, Issue No. 8 of 20 April 2012). If less favourable treatment is found with regard to Argentina's biodiesel, this EU legal framework may conflict with Articles 2.1 and 12.3 of the TBT Agreement. Article 2.2 of the TBT Agreement, which requires WTO Members to ensure that technical regulations are not prepared, adopted, or applied with a view to, or with the effect of, creating unnecessary obstacles to international trade, may also be of relevance to the Measure.

Argentina is said to be planning to also voice its concerns regarding Spain's Measure before the WTO Goods Council on 22 June 2012. In this meeting, Argentina will likely reaffirm that the Measure violates the MFN principle under Article I:1 of the GATT and the national treatment obligation under Article III:4 of the GATT. Once again, a key aspect as to whether a potential GATT national treatment violation exists is whether Argentina's biodiesel products are '*like products' vis-à-vis* EU biodiesel products. The Appellate Body in *EC – Asbestos* provided four criteria that comprise the categories of *characteristics* that potentially '*like'* biodiesel products of Argentine and EU origin might share, which include: 1) the physical properties of the biodiesel; 2) the extent to which Argentine and EU biodiesel are capable of serving the same or similar end uses; 3) the extent to which consumers perceive and treat the biodiesel as alternative means of performing particular functions in order to satisfy a particular want or demand; and 4) the international classification of biodiesel for tariff purposes. From a preliminary legal assessment, it appears that none of these criteria

would allow the EU to put in place discriminatory measures of the kind that are to be developed under the Measure and under the '*Renewable Energy Directive*'. Unless the EU can prove that Argentina's biodiesels are, in fact, not '*like'* EU biodiesels, they may not be treated less favourably on the basis of the environmental effects connected to their production processes. Consequently, Article III:4 of the GATT will provide a powerful shield to prevent Spain from discriminating against Argentina's (or any other imported) biodiesel in favour of the EU production of the '*like'* biofuel.

The specific trade concerns raised by Argentina with regard to Spain's Measure highlight the ongoing frictions between multilateral trade and environmental measures. When such friction occurs, the WTO is the appropriate *forum* for tackling these trade concerns. Businesses operating in the field of renewable energy are advised to keep abreast of these continued discussions at the WTO, as well as any potential WTO litigation, should Argentina and the EU be unable to address this dispute by negotiated means. As the trade impact of the EU's environmental policies and sustainability criteria under the '*Renewable Energy Directive*' and the '*Fuel Quality Directive*' keeps growing and inevitably resulting in trade distortions or restrictions, it seems unavoidable that the WTO may soon be called to decide whether the controversial EU sustainability criteria are not arbitrary in nature, unnecessarily cumbersome, scientifically unjustified and, ultimately, disguised restrictions to trade. Environmental protection and the pursuit of sustainable production practices are legitimate and sacrosanct objectives, which should be pursued through multilateral instruments, but they must not become intentional or unintentional forms of protection or trade distortion and should always be based on the least trade restrictive measures available. Business and Governments must work together to identify these measure, if need be through flexible and creative policy-making, and ensure that neither the environment nor world trade become victims to their unilateral approaches.

European steelmakers requesting export restrictions on steel scrap

European steelmakers have requested the EU Commission to impose export restrictions on steel scrap from the EU in order to help preserve the stock of domestic raw materials. The EU steelmakers claim that export restrictions are necessary to save the European steel industry, which has been plagued by sagging demand and overcapacity forcing reduction in production capacity over the past year. In the recent past, approximately 20 countries have applied various forms of export restrictions on steel scrap, with many countries banning exports altogether.

The imposition of export restrictions (typically applied to safeguard domestic supply, for environmental protection, or for the promotion of downstream industries) will likely generate two potential effects: 1) international prices will rise for steel scrap; and 2) domestic steel scrap supply will increase. While this measure may initially restrict the world supply of steel scrap, it would not necessarily reduce demand. As a result, higher world prices may lead to increased exports from countries not applying such export restrictions. This lowers domestic supply in the countries that increased exports, which, in turn, raises steel prices for their producers, while prices for European steelmakers should be lower due to increased scrap reserves throughout the EU. Consequently, European steelmakers could purchase scrap at reduced costs, providing downstream steelmaking producers with price advantages over foreign producers at a time where such action may be necessary to stimulate an industry plagued by economic difficulties, production cuts and now facing the effects of the eurozone crisis.

However, while enacting export restrictions on steel scrap may aid European steelmakers, it is unlikely that the EU Commission will impose such measures at this time for a few reasons. First, enacting export restrictions on steel scrap would be in contravention of commitments

that the EU Commission made in its EU Trade Policy for Raw Materials Second Activity Report issued on 30 May 2012, where it explained that the tackling of barriers in raw materials' markets (*i.e.*, export restrictions) is high on its agenda. Second, enacting export restrictions on steel scrap could possibly violate WTO law, including, *inter alia*, Articles XI and VIII of the GATT. Recently, the Appellate Body in *China - Raw Materials* affirmed that China's quantitative export restrictions on bauxite were inconsistent with Article XI:1 of the GATT and not justified under Article XI:2(a) of the GATT (for additional background on the Appellate Body decision, see Trade Perspectives, Issue No. 3 of 10 February 2012). Additionally, the EU, along with the US and Japan formally requested consultations with China on 13 March 2012, concerning the latter's alleged progressive cutting of its exports of rare earths, tungsten and molybdenum, citing concerns over resource preservation and the environmental ramifications of rare earths mining (see Trade Perspectives, Issue No. 6 of 23 March 2012).

Article XI of the GATT generally prohibits restrictions and prohibitions on exports. In WTO cases where a violation of Article XI of the GATT was found, the disputes involved allegations that the export restrictions enacted by a country were designed to offer an advantage to the downstream producers and processors of the country instituting the measure. It can be argued that any export restriction on European steel scrap would be designed to offer an advantage to European downstream producers and processers (*i.e.*, steelmakers) currently experiencing economic difficulties. Accordingly, export restrictions enacted on steel scrap would be inconsistent with Article XI:1 of the GATT, unless they meet one of the exceptions listed under Article XI:2 or Article XX of the GATT. In examining Article XI:2(a) of the GATT, the Appellate Body in *China – Raw Materials* provided clarification regarding the meaning of the terms '*critical shortage*' and '*essentiality'* relating to any proposed export restrictions introduced on steel scrap by the EU. Applying the *China – Raw Materials* ruling, an export restriction enacted on steel scrap must relate to critical shortages of otherwise absolutely indispensable or necessary product. In addition, the EU must show that the '*criticality'* of its potential export restriction has the expectation of reaching a point in time at which the conditions in the steel sector leading to the measures will no longer be '*critical'*. At this point, the measures taken will no longer be required and, therefore, removed. The EU Commission must have the ability to demonstrate that export restrictions taken on steel scrap are '*temporarily applied*' to either prevent or relieve a '*critical shortage*' in the industry, which could be difficult to prove at this moment.

Approximately 20% of the global steel scrap trade is currently subject to export restrictions. Consequently, it has been difficult to isolate the specific impact resulting from one country's measures due to the differing types of restrictions being applied globally. Should the steel industry's position become increasingly dire to the point where EU Member States would support export restrictions, it is important to keep in mind that such measures could potentially cause reciprocal actions from other countries where steel producers are facing similar difficulties, such as the US. In this situation, global prices could rise with minimal benefit to European steel producers. Consequently, the EU Commission should only enact export restrictions where such measures are undoubtedly necessary. With some Bureau of International Recycling (BIR) members purportedly voicing strong opposition to such action by the EU Commission, and a healthy world steel industry depending on free trade in raw materials, it might be beneficial to pursue other means to aid Europe's ailing steel industry. Such measures might include direct support or subsidies; enacting measures that avoid price distortions, which may cause an inefficient allocation of resources; or establishing a specific tax on the operating income of steel scrap suppliers, with resources generated from the tax going towards development and innovation products in the steelmaking sectors. The evolution of future discussions between European steelmakers and the EU Commission relating to the potential imposition of export restrictions on steel scrap should be carefully monitored by all European businesses operating in, or working with, the steelmaking sector.

Worrisome trend towards protectionism in global trade identified by recent WTO and EU Commission Reports

The seventh WTO '*Report on G-20 Trade and Investment Measures*' (hereinafter, the WTO Report) was published on 31 May 2012, as part of a joint scheme with the Organisation for Economic Co-operation and Development (OECD) and the United Nations Conference on Trade and Development (UNCTAD). The WTO Report examines trade and trade-related measures as they have been implemented by the Members of the Group of Twenty (hereinafter, G-20) during the period comprised between mid-October 2011 and mid-May 2012. Almost simultaneously, on 6 June 2012, the EU Commission published its '*Ninth Report on Potentially Restrictive Measures*' (hereinafter, the EU Commission Report), prepared by the Directorate-General for Trade, which reviews the trade activities of EU's strategic trading partners between September 2011 and the 1 May 2012. Both reports acknowledge a worrisome tendency of countries to adopt protectionist measures during the examined period, in light of the current economic and financial crisis. The EU Commission Report, which complements and confirms the findings of the WTO Report, identifies 534 trade-distorting measures having been implemented since the beginning of the financial crisis, with 123 adopted during the past eight months, while only 13 have been removed during such period. Highlighted below are some particularly sensitive trade areas that are detected, including import and export restrictions, measures adopted in the field of services and foreign direct investment, government procurement, trade remedies, and other measures, such as sanitary and phytosanitary measures (hereinafter, SPS measures) or technical barriers to trade (hereinafter, TBTs).

Quantitative restrictions, imposed on the importation or exportation of products, are generally prohibited under Article XI of the GATT. The main reason for this prohibition is that measures incorporating such restrictions are considered particularly trade-distorting, especially in light of possible alternatives allowed by the GATT, such as tariff measures, which still allow (at least theoretically) for trade. Provided that the exporting country has a significant market share, export quotas have the potential effects of raising prices, and hence are likely to force trading partners to find alternative, and generally more costly, sources of supply; and increasing domestic supply. Other border measures that could potentially distort trade are identified by the EU Commission Report, including customs tax increases, import licenses and inspection certificates. Trade-restrictive measures have also been adopted by the EU's trading partners in the area of services and investment. During the period under review, a number of measures concerning limitations on the foreign ownership of insurance companies, as well as the notable expropriation of the Spanish-owned Repsol YPF (see Trade Perspectives, Issues No. 7 of 5 April 2012, and No. 8 of 20 April 2012) were found to have been adopted.

When it comes to government procurement, both the WTO Report and the EU Commission Report acknowledge an escalation in measures embracing considerations such as '*buy national*' policies. In addition, the WTO Report points out that some governments are resorting to measures encompassing local content requirements, with a view of fostering their own domestic industries. These may be considered potentially restrictive, inasmuch as they are likely to give rise to protectionist attitudes among recipients of the measures. An expansion of legislation with local content requirements was already highlighted by the EU Commission in its second Trade and Investment Barriers Report, published in February 2012, which focused on trade barriers emanating from the EU's key economic partners (see Trade Perspectives Issue No. 5 of 9 March 2012).

Although permitted by EU and WTO law, trade remedies are subjected to strict requirements aimed at ensuring that they do not distort trade. The EU Commission's Report observes an

increase in trade defence instruments adopted against the EU or its Member States by their trading partners. Most of these measures concern safeguards, which constitute the most restrictive form of trade defence, insofar as they may be imposed without any previous unfair conduct by the trading partner (as is the case with dumping or subsidies) and are imposed in respect of one type of product, against all countries that it is imported from. The WTO Agreement on Safeguards allows countries to temporarily restrict imports of a product, when the domestic industry is, or is threatened to be, seriously injured by a surge in imports. A number of requirements, which any country imposing safeguard measures must comply with, are put forward, including the duration of the measures as well as the possible retaliation sought by affected exporting countries.

The WTO Report and the EU Commission's Report also note an expansion of other measures that may have trade-restrictive effects, such as SPS measures, which the WTO Agreement on the Application of Sanitary and Phytosanitary Measures obliges Members to notify; or TBTs. Both reports were published only a few weeks before the G-20 Summit in Los Cabos (Mexico), where countries will have yet another opportunity to commit not to resort to trade-restrictive measures, as well as to withdraw any that are already in place. In this context, companies are advised to remain updated on any protectionist policies that may potentially be enacted in the countries where they do business and to trigger the available mechanisms, particularly within the WTO framework, to counter their effects.

EU Commission authorises additional uses of existing food additives, without a need for risk assessments

On 4 June 2012, the EU Commission adopted three Regulations amending the '*Union list of food additives approved for use in foods and conditions of use*' (hereinafter, *'Union list'*) set out in Annex II to *Regulation (EC) No. 1333/2008 of the European Parliament and of the Council on food additives:* 1) *Commission Regulation (EU) No. 470/2012* as regards the use of polydextrose (E 1200) in beer; 2) *Commission Regulation (EU) No. 471/2012* as regards the use of lysozyme (E 1105) in beer; and 3) *Commission Regulation (EU) No. 472/2012* as regards the use of glycerol esters of wood rosins (E 445) for printing on hard-coated confectionery products. The EU Commission was not required to seek opinions of the European Food Safety Authority (hereinafter, EFSA) on any of these three measures.

Regulation (EC) No. 1333/2008 of the European Parliament and of the Council on food additives defines '*food additive*' in Article 3(2)(a) as '*any substance not normally consumed as a food in itself and not normally used as a characteristic ingredient of food, whether or not it has nutritive value, the intentional addition of which to food for a technological purpose in the manufacture, processing, preparation, treatment, packaging, transport or storage of such food results, or may be reasonably expected to result, in it or its by-products becoming directly or indirectly a component of such foods'.* Only food additives included in the *'Union list'* in Annex II of *Regulation (EC) No. 1333/2008* may be placed on the market as such and used in foods under the conditions of use specified therein.

The food additive lysozyme (E 1105) was previously authorised in ripened cheese and cheese products. Lysozyme has now been proven to be a suitable antibacterial agent for brewing purposes and it is considered effective in inhibiting lactic acid bacteria added to finished beers. The reason for this technological need is that, for some specialty beers, like the top-fermenting beers with re-fermentation, treatments like sterile filtration or pasteurisation typically performed to prevent bacterial spoilage during storage of the beer before consumption do not work because the present viable micro-organisms are part of the production process of those beers. Polydextrose (E 1200) was already authorised in table-top sweeteners. The need for a new technological use is due to the circumstance that

energy-reduced and low-alcohol beers have a generally low acceptance because of their lack of body and mouthfeel. The addition of polydextrose can contribute to the body and mouthfeel and, at the same time, can provide the necessary foam stability. In addition, polydextrose has a low caloric value and its addition will have a limited contribution to the total caloric content of the beer. Glycerol esters of wood rosins (E 445) was already authorised for the surface treatment of citrus fruit, in cloudy drinks and in flavoured cloudy alcoholic drinks containing less than 15% of alcohol. The technological need for a new use of glycerol esters of wood rosins is that currently available food colour preparations used for printing on hard-coated confectionery products do not allow sufficient quality for the printing of texts, logos and pictures. Research and development have identified that the use of this additive as an emulsifier in aqueous based food colour preparations improves the mixing and integrity of the ingredients. This results in a more homogenous preparation delivering good fixing and coverage properties, which facilitate printing of high quality text and high resolution pictures to personalised and/or promotional hard-coated confectionery products intended for celebratory occasions.

The legal basis for amendments and updates of the *'Union list'* is established in Article 3(1) of *Regulation (EC) No. 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings.* The common procedure for updating the *'Union list'* may be started either on the initiative of the EU Commission or following an application. Applications may be made by either a Member State or an interested party. In the three cases at issue, applications for authorisation of the new uses of lysozyme (E 1105) as a preservative in beer, of polydextrose (E 1200) as a stabiliser in beer, and of glycerol esters of wood rosins (E 445) for printing on hard-coated confectionery products, were submitted by interested parties.

When new additives are added to the *'Union list'*, the EU Commission typically has to seek an opinion of the EFSA. However, for the updates referred to in Article 2(2)(b) of *Regulation (EC) No. 1331/2008* (*i.e., removing a substance from the Community list*) and (c) (*i.e., adding, removing or changing conditions, specifications or restrictions associated with the presence of a substance on the Community list*), the EU Commission is not required to seek EFSA's opinion if the updates in question are not liable to have an effect on human health. According to the 2001 Report from the Commission on *'Dietary Food Additive Intake in the European Union'*, lysozyme and polydextrose belong to the group of additives for which no acceptable daily intake has been specified. This implies that they do not represent a health hazard at the levels necessary to achieve the desired technological effect. For glycerol esters of wood rosins, the Report from the Commission on *'Dietary Food Additive Intake in the European Union'* concluded that no further examination was needed, since the theoretical intake based on conservative assumptions on food consumption and additive usage did not exceed the acceptable daily intake, which was established on 19 June 1992 by the Scientific Committee for Food. As the additional intake based on the new use for printing on hard-coated confectionery products does not significantly contribute to the overall intake, the use of glycerol esters of wood rosins as an emulsifier for printing on hard-coated confectionery products was allowed.

Therefore, it was not necessary to request an EFSA opinion in any of the three cases. The three new uses are approved as from 25 June 2012. In relation to the use of lysozyme in beer, it must be noted that, according to *Commission Directive 2008/84/EC of 27 August 2008 laying down specific purity criteria on food additives other than colours and sweeteners*, lysozyme is obtained from hen's eggs whites. Eggs and products thereof are listed as allergens in Annex IIIa to *Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs*. Therefore, the presence of lysozyme in beers must be indicated on the labelling with the word '*contains*' followed by

the name of the ingredient (i.e., eggs) concerned. In this context, in a Scientific Opinion of EFSA dated 6 October 2011 related to the request for a permanent exemption from labelling for lysozyme from hen's egg to be used in the manufacture of wine as an anti-microbial stabilizer/additive, EFSA concluded that wines treated with lysozyme may trigger adverse allergic reactions in susceptible individuals and that, therefore, labelling was required. Scientific research and requests for authorisation of new uses of existing food additives for other technological uses than previously authorised appear to be a good and less costly alternative to the development of new additives. Since the adoption of the *'Union list'* by *Commission Regulation (EU) No. 1129/2011 of 11 November 2011 amending Annex II to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council by establishing a Union list of food additives*, this procedure has been used six times.

Recently Adopted EU Legislation

Market Access

- *Commission Implementing Regulation (EU) No. 468/2012 of 1 June 2012 amending Regulation (EU) No. 28/2012 laying down requirements for the certification for imports into and transit through the Union of certain composite products*

- *Commission Implementing Regulation (EU) No. 480/2012 of 7 June 2012 opening and providing for the management of a tariff quota for broken rice of CN code 10064000 for production of food preparations of CN code 19011000*

- *Commission Implementing Regulation (EU) No. 481/2012 of 7 June 2012 laying down rules for the management of a tariff quota for high-quality beef*

- *Regulation (EU) No. 464/2012 of the European Parliament and of the Council of 22 May 2012 amending Council Regulation (EC) No. 617/2009 opening an autonomous tariff quota for imports of high-quality beef*

- *Commission Implementing Regulation (EU) No. 497/2012 of 7 June 2012 amending Regulation (EU) No. 206/2010 as regards the requirements for imports of animals susceptible to bluetongue*

- *Council Decision of 12 June 2012 on the conclusion of the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Community and the Republic of Mozambique.*

- *Decision No. 1/2012 of the Joint Committee on Agriculture, created by the Agreement between the European Community and the Swiss Confederation on trade in agricultural products of 3 May 2012 on the amendment of Annex 7 to the Agreement between the European Community, of the one part, and the Swiss Confederation, of the other, on trade in agricultural products.*

- *Decision No. 2/2012 of the Joint Committee on Agriculture, created by the Agreement between the European Community and the Swiss Confederation on trade in agricultural products of 3 May 2012 on the amendment of Annex 8 to the Agreement between the European Community, of the one part, and the Swiss Confederation, of the other, on trade in agricultural products.*

Trade Remedies

- *Commission Regulation (EU) No. 502/2012 of 13 June 2012 initiating an investigation concerning the possible circumvention of anti-dumping measures imposed by Council Implementing Regulation (EU) No. 2/2012 on imports of certain stainless steel fasteners and parts thereof originating in the People's Republic of China by imports of certain stainless steel fasteners and parts thereof consigned from Malaysia, Thailand and the Philippines, whether declared as originating in Malaysia, Thailand and the Philippines or not, and making such imports subject to registration.*

Food and Agricultural Law

- *Commission Regulation (EU) No. 470/2012 of 4 June 2012 amending Annex II to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council as regards the use of polydextrose (E 1200) in beer*

- *Commission Regulation (EU) No. 471/2012 of 4 June 2012 amending Annex II to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council as regards the use of lysozyme (E 1105) in beer*

- *Commission Regulation (EU) No. 472/2012 of 4 June 2012 amending Annex II to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council as regards the use of glycerol esters of wood rosins (E 445) for printing on hard-coated confectionery products*

- *Commission Regulation (EU) No. 473/2012 of 4 June 2012 amending Annex III to Regulation (EC) No. 396/2005 of the European Parliament and of the Council as regards maximum residue levels for spinetoram (XDE-175) in or on certain products*

- *Commission Implementing Decision of 22 May 2012 amending Decision 2008/425/EC as regards standard requirements for the submission by Member States of national programmes for the eradication, control and monitoring of certain animal diseases and zoonoses for Union financing (notified under document C(2012) 3193)*

- *Commission Regulation (EU) No. 488/2012 of 8 June 2012 amending Regulation (EC) No. 658/2007 concerning financial penalties for infringement of certain obligations in connection with marketing authorisations granted under Regulation (EC) No. 726/2004 of the European Parliament and of the Council*

- *Commission Implementing Regulation (EU) No. 489/2012 of 8 June 2012 establishing implementing rules for the application of Article 16 of Regulation (EC) No. 1925/2006 of the European Parliament and of the Council on the addition of vitamins and minerals and of certain other substances to foods*

- *Commission Implementing Regulation (EU) No 505/2012 of 14 June 2012 amending and correcting Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control*

- *European Parliament resolution of 16 December 2010 on the EU laying hens industry: the ban on the use of battery cages from 2012*

Trade-Related Intellectual Property Rights

- *Council Decision of 31 May 2012 on the signing, on behalf of the Union, of the Agreement between the European Union and the Republic of Moldova on the protection of geographical indications of agricultural products and foodstuffs*

- *Commission Implementing Regulation (EU) No. 501/2012 of 13 June 2012 entering a name in the register of protected designations of origin and protected geographical indications (镇江香醋 (Zhenjiang Xiang Cu) (PGI))*

- *Commission Implementing Regulation (EU) No. 506/2012 of 14 June 2012 entering a name in the register of protected designations of origin and protected geographical indications (Kraški pršut (PGI))*

- *Publication of an application pursuant to Article 6(2) of Council Regulation (EC) No. 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs*

Other

- *Commission Implementing Regulation (EU) No. 476/2012 of 5 June 2012 prohibiting fishing activities for purse seiners flying the flag of Spain or France or registered in Spain or France, fishing for bluefin tuna in the Atlantic Ocean, east of longitude 45° W, and in the Mediterranean Sea*

- *Commission Regulation (EU) No. 478/2012 of 4 June 2012 establishing a prohibition of fishing for megrims in VIIIc, IX and X; EU waters of CECAF 34.1.1 by vessels flying the flag of Portugal*

- *Commission Delegated Regulation (EU) No. 486/2012 of 30 March 2012 amending Regulation (EC) No. 809/2004 as regards the format and the content of the prospectus, the base prospectus, the summary and the final terms and as regards the disclosure requirements*

- *Commission Implementing Decision of 25 May 2012 on a Union financial contribution towards Member States' fisheries control, inspection and surveillance programmes for 2012 (notified under document C(2012) 3262)*

- *Commission Regulation (EU) No. 493/2012 of 11 June 2012 laying down, pursuant to Directive 2006/66/EC of the European Parliament and of the Council, detailed rules regarding the calculation of recycling efficiencies of the recycling processes of waste batteries and accumulators*

- *Commission Implementing Regulation (EU) No. 503/2012 of 13 June 2012 prohibiting fishing activities for purse seiners flying the flag of or registered in Greece or Italy, fishing for bluefin tuna in the Atlantic Ocean, east of longitude 45° W, and in the Mediterranean Sea*

- *Council Decision 2012/308/CFSP of 26 April 2012 on the accession of the European Union to the Treaty of Amity and Cooperation in Southeast Asia*

- *Declaration of the European Parliament of 16 December 2010 on support for strengthening the European Union ban on shark finning*

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