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Controversy over '*plain packaging*' for cigarettes in the WTO TRIPs Council

At the meeting of the WTO Council on Trade-Related Aspects of Intellectual Property Rights (hereinafter, TRIPs Council) held on 7 June 2011, discussions were held on the Australian draft legislation that would require cigarettes and other tobacco products to be sold in plain packages without logos or trademarks, but with large graphic health warnings, while the brands would be identified simply in a standard typeface. This proposal poses controversial questions regarding, on one side, the public interest in protecting health and, on the other side, WTO obligations regarding international trade in products such as cigarettes, as well as trademark holders' rights and the applications by WTO Members of technical regulations that may amount to non-tariff barriers (see Trade Perspectives, Issue No. 19 of 22 October 2010). The Dominican Republic, supported by Cuba, Ecuador, Honduras, Mexico, Nicaragua, the Philippines, Ukraine, and Zambia, objected to the draft Australian legislation and expressed serious concerns that the proposed law would violate the provisions of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (hereinafter, the TRIPs Agreement) and the linked Paris Convention for the Protection of Intellectual Property.

Among the legal concerns that were voiced at the TRIPs Council's meeting was that Australia's proposed measure would, pursuant to Article 20 of the TRIPs Agreement, result in a '*special requirement*' that would '*unjustifiably*' encumber the use of trademarks '*in a manner detrimental to its capability to distinguish the goods or services of one undertaking from those of other undertakings*'. In fact, the consistency of a '*plain packaging*' regulation with WTO obligations is likely to be challenged under the WTO dispute settlement mechanism. WTO panels might be required to evaluate whether the measure at stake is more restrictive than necessary to achieve the public health interest that it intends to protect. Legal grounds for such claims may be found, in the field of intellectual property law, in Articles 8(1) and 20 of the TRIPs Agreement, but also in Articles 2.2 and 2.4 of the WTO Agreement on Technical Barriers to Trade (hereinafter, TBT Agreement). Finally, Australia could be violating a number of obligations under its bilateral free trade agreements.

The possible adoption of the '*plain packaging*' requirements may greatly affect trademark holders with respect to their (indirect) rights under the TRIPs Agreement. The balance between the interests of public health protection and intellectual property rights is provided under Article 8(1) thereof, which states that WTO Members *'[...] may adopt measures necessary to protect public health [...], provided that such measures are consistent with the provisions of this Agreement'.* With respect to this obligation, some argue that the effectiveness of '*plain packaging*' is not based on sufficient evidence to establish a causal link with the reduction of smoking rates. In 2008, the Australian Government established the Preventative Health Taskforce, an expert group instructed to examine scientific evidence regarding tobacco, alcohol and obesity. It found the following: young adult smokers associate cigarette brand names and package design with positive personal characteristics, social identity and aspirations; packaging can create misperceptions about the relative strength, level of tar and health risks of tobacco products; plain packaging would increase

the salience of health warnings – research subjects show an improved ability to recall health warnings on plain packs; and decreasing the number of design elements on cigarette packs reduces their appeal and perceptions about the likely enjoyment and desirability of smoking. According to the Australian Government, since the publication of the Preventative Health Taskforce reports, the evidence base in support of plain and standardised packaging of tobacco products has continued to grow. Furthermore, peer-reviewed studies (listed in a public consultation document) show how branding on packaging influences smoking choices, and plain packaging increases the effectiveness of health warnings, reduces false health beliefs about cigarettes, and reduces brand appeal among smokers.

It would need to be further analysed whether this evidence, in fact, proves the effectiveness of '*plain packaging*'. In addition, it is possible that alternative measures, which are less restrictive to the rights of trademark holders, and consistent with the TRIPs Agreement, could be put in place to achieve the same objective of reducing smoking rates and protecting public health. Article 20 of the TRIPs Agreement provides that *'the use of a trademark in the course of trade shall not be encumbered by special requirements, such as [...] use in a manner detrimental to its capability to distinguish the goods [...]'*. Under the Australian proposal, the brands would only be identified in a standard typeface. Thus, the restriction to be imposed on the use of trademarks appears to considerably limit the distinction between branded cigarettes. It seems that, by removing trademarks, '*plain packaging*' may result in a situation in which consumers cannot distinguish between tobacco products and brands.

Further to intellectual property rights, according to Article 2.2 of the TBT Agreement, '*plain packaging*' could be considered to be a technical regulation more trade restrictive than necessary to reduce smoking rates and, thereby, to protect human health (which is, of course a legitimate objective of governmental policy). However, the imposition of a technical regulation such as '*plain packaging*' would require a scientific basis or any other sufficient technical evidence to demonstrate the causal link of the measure with its objective. The Australian Government appears to argue that, in view of the evidence that it has collected, a panel would likely conclude that there is a scientific basis to support *'plain packaging'* regulations. Under Article 2.4 of the TBT Agreement, WTO Members shall use relevant international standards '*as a basis*' when formulating technical regulations in order to promote the harmonisation of such standards and avoid unnecessary obstacles to trade. The World Health Organisation (hereinafter, WHO) has concluded the Framework Convention on Tobacco Control (hereinafter, the Convention), which provides for minimum health standards concerning, *inter alia*, the packaging of cigarettes. The Convention has been ratified by 173 Countries, including Australia, and it has recently been reinforced by the Punta del Este Declaration on the Implementation of the Convention on Tobacco Control (Uruguay, 6 December 2010). A key question is whether the Australian '*plain packaging*' regulation is '*based on*' the Convention's standards (as argued by Australia) or it may be considered, instead, an excessive higher standard which conflicts with international law obligations.

Article 5 of the Convention requires each Party to develop and implement comprehensive national tobacco control strategies, plans and programs, and to adopt effective legislative and other measures for preventing and reducing tobacco consumption, nicotine addiction and exposure to tobacco smoke. Article 11 of the Convention requires Parties to implement effective measures to ensure that tobacco packaging does not promote a tobacco product by any means that are false, misleading, deceptive or likely to create an erroneous impression about its characteristics, health effects, hazards or emissions. Finally, Article 13 of the Convention requires Parties to implement comprehensive bans on tobacco advertising, promotion and sponsorship and Guidelines adopted by the Conference of the Parties to the Convention for Article 11 and Article 13 recommend that Parties consider introducing plain packaging. However, one of the controversial questions is whether these guidelines (adopted unanimously by the third session of the Conference of Parties to the Convention in

November 2008) hold the same legal status as the Convention's text, which does not mention '*plain packaging*'.

The intellectual property chapters of Australia's bilateral free trade agreements require the observance of the TRIPs Agreement. By adopting '*plain packaging*', Australia might also breach its obligations under FTAs not to discriminate against the registration and use of trademarks with ASEAN countries, Chile, New Zealand and the US (*i.e.*, countries that have signed FTAs with Australia). The Australian Government announced in April 2010 that the legislation to implement '*plain packaging*' of tobacco products would be in place by 1 January 2012 and that full compliance with the legislation would be required by 1 July 2012. The Government is aiming at introducing the '*Tobacco Plain Packaging Bill 2011*' in the Winter 2011 Parliamentary sittings. It appears critical for operators affected by such regulations to engage at all levels with governments and decision-makers in order to protect their legitimate commercial interests, and assess whether it may be necessary to go as far as triggering WTO dispute settlement in order to challenge the consistency of possibly disproportionate and unnecessarily trade restrictive '*plain packaging*' regulations with WTO Members' international obligations, in particular on intellectual property rights.

EU yeast industry expresses concern over the EU Commission's sugar policies

Representatives of the EU yeast industry have expressed concern that the EU Commission's recent sugar policies may be harming the EU's yeast industry. The EU sugar regime considers sugar to be either '*in-quota*' (*i.e.*, sugar produced within a fixed production quota and which is eligible for subsidies such as export refunds) or '*out-of-quota*' (*i.e.*, sugar produced in excess of the production quota and which is ineligible for export refunds). In response to rising world sugar prices, which have reportedly eclipsed internal EU sugar prices for the first time in approximately 30 years, on 12 May 2011 the EU Commission decided to allow an additional 700,000 tonnes of '*out-of-quota*' white sugar to be exported from the EU onto the world market. This brought the total amount of '*out-of-quota*' white sugar approved by the EU Commission for export between 1 October 2010 and 30 September 2011 to 1.35 million tonnes. Much of this increase in the export quota was reportedly '*industrial sugar*' that had been reserved until now for use by EU '*bio-industries*' such as the yeast industry. The Confederation of EU Yeast Producers (hereinafter, COFALEC) has stated that, by releasing in parallel 500,000 tonnes of sugar to the '*in-quota*' market, the EU Commission has put EU yeast producers in a very difficult situation. This sugar had previously been reserved as '*out-of-quota*' sugar for EU bio-industries.

COFALEC has stated that these EU Commission sugar policies threaten the economic viability of the EU yeast industry. Industrial sugar is used to grow and ferment yeast, and represents approximately 25-33% of the production costs for yeast suppliers. Fluctuations in the availability and price of sugar appear to have a major effect on the competitiveness of yeast producers in what is reportedly a price-sensitive industry. COFALEC is additionally concerned that the EU appears to be favouring EU sugar exporters at the expense of the yeast industry. The EU Commission has responded to these criticisms by arguing that the 500,000 tonnes of sugar released into the EU '*in-quota*' sugar market would normally have been carried forward to the next marketing year, or simply exported. The EU Commission has also noted that the EU chemical, pharmaceutical and yeast industries have access to a duty-free tariff-rate quota (hereinafter, TRQ) of 400,000 tonnes. EU Member States have reportedly also agreed to open a further duty-free TRQ of 200,000 tonnes for white sugar, with a possibility for additional imports at a reduced tariff rate via a tendering system. Finally, the EU Commission has argued that its sugar policy decisions are expected to boost sugar production within the EU, with an expected increase of approximately 13.4% in EU sugar

production in 2011-2012, meaning a rise of nearly 2 million metric tonnes in raw value to a total of approximately 17.4 million metric tonnes raw value in 2011-2012, excluding EU production of ethanol.

In 2006, the EU undertook a major regulatory restructuring of its sugar regime. The major goals of the restructuring effort were to reduce EU agricultural subsidies to the sugar sector by encouraging sugar undertakings with the lowest productivity to give up their sugar quota production in return for restructuring aid. *Council Regulation (EC) No. 320/2006 of 20 February 2006 establishing a temporary scheme for the restructuring of the sugar industry in the Community and amending Regulation (EC) No. 1290/2005 on the financing of the common agricultural policy* made restructuring aid available for four marketing years in order to reduce EU sugar production and create a more balanced supply/demand ratio within the EU market. The reform also created unlimited duty-free access for sugar imports from the African, Caribbean and Pacific Group of States. In an attempt to strike a balance between the interests of EU sugar producers and EU consumers of industrial sugar, the restructuring effort created an annual white sugar export quota of 650,000 tonnes and an import quota of 400,000 tonnes.

The EU sugar regime is now governed by several key regulations. The first is *Council Regulation (EC) No. 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)*. Article 55 of *the Single CMO Regulation* mandates a production quota system for sugar, isoglucose (a starch-based fructose sweetener) and inulin syrup (a low-calorie sweetener). Annex VI of *the Single CMO Regulation* sets national and regional sugar production quotas from the 2009/2010 marketing year onwards. Article 64(2) of the *Single CMO Regulation* empowers the Commission to fix the surplus levy on sugar and isoglucose produced in excess of the quota at a sufficiently high level in order to avoid the accumulation of surplus quantities. However, these surplus levies have been temporarily reduced by *Commission Regulation (EU) No. 222/2011 of 3 March 2011 laying down exceptional measures as regards the release of out-of-quota sugar and isoglucose on the Union market at reduced surplus levy during marketing year 2010/2011*. Article 61(d) of *Council Regulation (EC) No. 1234/2007* states that sugar or isoglucose produced in excess of the quota referred to in Article 56 of the *Single CMO Regulation* may be exported only within a quantitative limit. Sugar surplus export levels are set by *Commission Regulation (EU) No. 397/2010 of 7 May 2010 fixing the quantitative limit for exports of out-of-quota sugar and isoglucose until the end of the 2010/2011 marketing year*, which applies until the end of the current EU marketing year on 30 September 2011. For the current marketing year, an amended version of Article 1(1) of *Regulation (EU) No. 397/2010* sets a quantitative export level of 1,350,000 tonnes for exports without refund of '*out-of-quota*' white sugar falling within CN code 170199. This includes the above-noted increase of 700,000 tonnes in the quantitative export level originally set by *Regulation (EU) No. 397/2010*. Article 2 of *Regulation (EU) No. 397/2010* sets a quantitative export level of 50,000 tonnes, in dry matter, for exports without refund of '*out-of-quota*' isoglucose falling within CN codes 17024010, 17026010 and 17029030.

Rising prices for sugar within the EU will likely affect major consumers of industrial yeast, such as wine makers, bakers, and brewers. COFALEC has urged the EU Commission to address this problem by finding a way to obtain stable and competitively-priced supplies of industrial sugar for EU bio-industries. The economic stakes appear to be high for EU yeast producers: COFALEC has suggested that if the EU Commission does not take steps to address the present sugar supply deficit and pricing structure, EU yeast producers may consider re-locating their investments in jurisdictions in which access to industrial sugar is more secure and competitively-priced. It is crucial for EU industries affected by EU sugar policies to network with other stakeholders, acquire an understanding of the EU sugar regulatory system, and advance their economic interests by proactively engaging with the EU Institutions in order to influence important EU policies such as sugar export restrictions.

This is particularly important and urgent as it appears that a wealth of other EU and EU Member States' policies and instruments appear to be placing further pressures on the sugar sector. This is the case, for instance, with the subsidies and state aid being accorded to bio-gas plants being built within the framework of the EU push for renewable sources of energy. Reportedly, many of these bio-gas plants will run on industrial sugars and molasses, once again greatly distorting the factors of productions for other industries that depend on these products (*e.g.*, the yeast industry). While most of these initiatives and policies appear to be driven by noble and/or legitimate objectives, it is clear that they should distort as little as possible the market and put in place the necessary contingency measures to counteract their negative effects. Anything short of this may not only result in protracted EU and (possibly) WTO litigation, but also in the demise of certain industries that play a crucial role in the EU economy, both in terms of industrial output and employment.

The WTO dispute settlement system is increasingly involved in disputes concerning subsidies granted to renewable energy industries

The WTO is increasingly involved in disputes concerning subsidies granted to renewable energy industries as WTO Members are resorting to climate mitigation policies and take actions to support their industries in the global renewable energy market. On 1 June 2011, Japan requested the establishment of a WTO panel to examine the WTO consistency of the feed-in tariff programme applied by the Canadian province of Ontario to renewable sources of energy. Japan lodged its request for consultations on 13 September 2010 (see Trade Perspectives, Issue No. 17 of 24 September 2010) and the two countries held consultations on 25 October 2011. The dispute looks poised to go through full-fledged panel proceedings, as consultations did not result in a mutually satisfactory solution.

Feed-in tariff schemes, popular measures employed by countries as part of their efforts to combat climate change and to promote the development and use of renewable sources of energy, consist of above-the-market price tariffs that are fixed by government, and that grid system operators or utility companies must pay for as renewable energy is fed into the national electricity grid by independent producers. The aim of these schemes is to stimulate the production of renewable energy by providing substantial benefits to the operators of installations which generate renewable energy. Ontario's feed-in tariff programme couples the benefits of the scheme (whose compatibility with WTO rules as such is also debated) with a domestic content requirement, by providing long-term contracts to developers of green energy projects, subject to the inclusion of a fixed percentage of goods and services originating in Ontario. It is this aspect of the scheme that Japan is challenging before the WTO, to the extent that it allegedly: (i) provides prohibited subsidies within the meaning of Article 3.1(b) and 3.2 of the WTO Agreement on Subsidies and Countervailing Measures (hereinafter, ASCM); (ii) accords less favourable treatment to imported equipment for renewable energy generation facilities, in violation of Article III:4 of the General Agreement on Tariffs and Trade; and (iii) violates Article 2.1 of the WTO Agreement on Trade-Related Investment Measures, inasmuch as it results in a trade-related investment measure inconsistent with the provisions of Article III of the GATT.

Another dispute which was brought before the WTO concerned Chinese subsidies to wind power equipment. This dispute was triggered by the US, following an investigation conducted by the United States Trade Representative under Section 302 of the Trade Act of 1974. In its request for consultations, filed on 22 December 2010, the US alleged that *China's Notice of the Ministry of Finance on Issuing the Provisional Measure on Administration of Special Fund for Industrialization of Wind Power Equipment* provided support to Chinese manufacturers of wind turbine generator systems through the provision

of subsidies geared to production levels and contingent upon the use of Chinese over imported parts and components, inconsistently with WTO rules. In particular, the US argued, *inter alia*, that, to the extent that these subsidies included a domestic content requirement, they were inconsistent with Article 3 of the ASCM (see Trade Perspectives, Issue No. 1 of 14 January 2011). Following WTO consultations, China has reportedly agreed to cease its subsidies programmes.

This trend looks poised to increase. Domestic support measures to the renewable energy sector are an important component of a number of countries' climate change mitigation policies. In addition, subsidies are also used to foster and encourage the development and growth of the domestic manufacturers of renewable energy equipment and infrastructure, a sector that is expanding globally as countries enact policies aimed at shifting their sourcing of energy towards renewable sources of energy, for climate change (and perhaps energy security) concerns.

Discussions concerning the compatibility of domestic support measures for renewable energy industries with WTO rules are often linked to the wider debate on the interaction between trade rules and environmental policies. The problematic aspect of renewable energy subsidies resides in that these measures, while pursuing (noble and legitimate) environmental objectives may provide unfair competitive advantages to domestic producers or advance domestic producers' protectionist agendas. At the heart of the debate is whether and how to conceive specific exceptions to ASCM rules for subsidies granted for environmental considerations. Article 8 of the ASCM provided for such exceptions, subjecting protection from WTO challenge to very stringent requirements. However, the exception foreseen in Article 8 expired in 2000 and was not renewed.

A possible WTO exception for environmental subsidies should not cover measures of the kind allegedly applied by Canada and China and currently challenged before the WTO, whereby domestic content requirements appear aimed at supporting domestic manufacturers of renewable energy equipment rather than furthering an environmental objective. These types of subsidies should remain exposed to WTO challenge due to their particularly harmful effects and their minimal (or non-existent) impact on the environment.

In relation to other types of support measures (such as those that encourage the deployment of climate friendly goods and technologies and the increased use of renewable sources of energy) that do have an impact on climate change and may affect the trade interests of other commercial partners, the argument is made that they should be allowed by WTO Members, if necessary through specific waivers and tailor-made exceptions to other WTO obligations. At the same time, climate change mitigation policies should not become instruments to subsidise exports of environmental goods or of products instrumental to environmental objectives and alter the conditions of competition between domestic and foreign producers. In fact, any approach chosen to solve the potential conflict between subsidies for climate change mitigation and trade disciplines should allow sufficient flexibility for WTO Members to pursue legitimate environmental policies and, at the same time, to protect their domestic industry from unfair competition caused, directly or indirectly, intentionally or unintentionally, by such policies of other WTO Members.

Important round of talks approaching in the Canada – EU FTA negotiations

Negotiators for Canada and the EU will soon exchange a second set of formal offers in advance of the next round of negotiations for a FTA, known as the Comprehensive Economic and Trade Agreement (hereinafter, CETA). This next round of CETA negotiations is scheduled to be held in Brussels during the week of 11-15 July 2011. This will be the eighth round of negotiations since the EU and Canada launched formal FTA talks in 2009.

The CETA talks have already made significant progress. For instance, Canada and the EU have agreed to eliminate tariffs on 90% of goods, and a preliminary agreement regarding government procurement was apparently reached by both sides early in 2011 (for more background, see Trade Perspectives, Issue No. 2 of 28 January 2011).

In advance of the July 2011 CETA talks, the most important offensive negotiating issues for Canada appear to be abolishing EU tariffs on Canadian exports of seafood, gaining EU recognition of Canadian professional work qualifications, and achieving better mobility for Canadian workers located in the EU. An important defensive interest for Canada appears to be maintaining its supply management system in agriculture. Supply management – a system whereby the federal government restricts imports of dairy, chicken, turkey, table egg and hatching egg products, and maintains production quotas for the benefit of domestic producers – may be a non-negotiable issue for Canada. Although the EU is eager to achieve a reduction in Canadian tariff rates for butter and cheese, which can reach nearly 300%, the Canadian federal and provincial governments are apparently reluctant to assume the political risks of confronting Canada's powerful dairy farming lobby.

For the EU, a major outstanding negotiating goal is securing access to Canadian government procurement markets at the provincial and municipal level. Some obstacles appear to remain: for instance, the province of Québec, representing Canada's second-largest economy, has reportedly made an offer covering over 85% of provincial procurement markets, but has floated the possibility of exempting Hydro-Québec and the provincial liquor control board, both of which are major government agencies with substantial procurement budgets. In addition to government procurement, the EU has also reportedly sought stronger rules of origin for exports of Canadian food products, and has urged Canada to institute stronger protection for intellectual property rights by amending Canada's copyright legislation in order to lengthen patent terms, and create more restrictive rules regarding data protection for the benefit of research-based EU pharmaceutical companies. Regarding investment, several large EU Member States, such as Germany, have apparently questioned Canada's reported request for investment protection provisions in the CETA. This reluctance to negotiate investment protection provisions may relate to the fact that the EU has reformed the allocation of investment competencies between the EU and Member State levels. Some EU Member States are apparently refraining from granting the EU Commission a revised mandate to negotiate investment protection in the CETA until it has been clarified how the new division of investment competencies will function in practice, including how the more than 1,200 pre-existing EU bilateral investment treaties will be managed (see Trade Perspectives, Issue No. 10 of 20 May 2011). A draft EU regulation on investment reform is currently proceeding through the EU legislative process.

Several side issues may become irritants in the CETA talks. Some Members of the EU Parliament have reportedly encouraged the EU Commission to link further progress in the CETA negotiations with a decision from Canada to abandon its WTO challenge of the EU's ban on seal products from Canada (see Trade Perspectives, Issue No. 4 of 25 February 2011). The Canadian federal government has responded by arguing that the CETA negotiations and Canada's WTO challenge of the EU's seal products ban are two separate issues, the latter of which will be duly decided within the framework of the WTO dispute settlement mechanism. A resolution by the EU Parliament passed on 8 June 2011 expressed '*hope that disagreements between the parties [regarding the EU's ban on seal products] can be overcome amicably and without affecting the CETA negotiations*'. The resolution also expressed concerns regarding the environmental impact of the Canadian extraction of oil from the Albertan oil sands (for more background, see Trade Perspectives, Issue No. 7 of 8 April 2011); however, this paragraph of the resolution once again encouraged both parties to '*resolve any disagreements amicably and without endangering the CETA negotiations*'.

Both the EU and Canada have demonstrated strong political will to conclude the CETA. Canada's federal government recently announced that concluding the CETA talks by 2012 remains a top trade policy priority. The EU Institutions have also expressed serious engagement in the negotiations, most recently in the 8 June 2011 resolution, in which the EU Parliament signalled its support of an eventual FTA with Canada that would exceed '*in its level of ambition any trade and economic agreement negotiated either by the EU or by Canada to date*'. Given this stated level of negotiating ambition, Canadian and EU negotiators would be prudent to carefully consider important structural issues such as what type of dispute resolution system should be incorporated into the CETA. In this regard, some Canadian analysts have criticised NAFTA-style dispute resolution arbitration panels as being too slow to resolve disputes, and lacking in experienced panellists. In relation to certain types of disputes, an alternative model could be to utilise the pre-existing infrastructure of the Canadian judicial system. For instance, the Canadian International Trade Tribunal provides Canadian and international businesses with a rapid procedural process for investigating trade remedy cases, launching complaints regarding federal government procurement contracts, and adjudicating appeals on customs and excise matters. The Canadian Federal Government could consider extending the purview of the Canadian International Trade Tribunal to disputes regarding provincial procurement contracts, which reportedly amount to over 10 billion CDN per year, and are of particular interest to members of the EU business community. However, given Canada's federal structure, such a judicial reform could prompt a constitutional challenge by some Canadian Provincial Governments.

A successful conclusion of the CETA talks should grant European business parties greater access to what is currently the fastest-growing economy in North America, while Canadian business parties may gain unparalleled access to the world's largest single economy. As the CETA talks reach a critical point, it is crucial for business parties to proactively liaise with other stakeholders in order to ensure that their commercial interests are represented in the CETA negotiations, and that they maximise the potential commercial benefits from an eventual FTA.

Recently Adopted EU Legislation

Trade Remedies

- *Council Implementing Regulation (EU) No. 554/2011 of 30 May 2011 terminating the anti-dumping proceeding on imports of polyester staple fibres originating in the People's Republic of China*

- *Notice of the impending expiry of certain anti-dumping measures*

Customs Law

- *Council Regulation (EU) No. 555/2011 of 6 June 2011 amending Annex I to Regulation (EEC) No. 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff*

- *Decision No. 1/2011 of the EU-Croatia Stabilisation and Association Council of 5 May 2011 amending Protocol 4 to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, concerning the definition of the concept of 'originating products' and methods of administrative cooperation*

Food and Agricultural Law

- *Commission Implementing Regulation (EU) No. 565/2011 of 14 June 2011 amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EU) No. 867/2010 for the 2010/11 marketing year*

- *Commission Regulation (EU) No. 545/2011 of 10 June 2011 implementing Regulation (EC) No. 1107/2009 of the European Parliament and of the Council as regards the data requirements for plant protection products*

- *Commission Regulation (EU) No. 546/2011 of 10 June 2011 implementing Regulation (EC) No. 1107/2009 of the European Parliament and of the Council as regards uniform principles for evaluation and authorisation of plant protection products*

- *Commission Regulation (EU) No. 547/2011 of 8 June 2011 implementing Regulation (EC) No. 1107/2009 of the European Parliament and of the Council as regards labelling requirements for plant protection products*

- *Commission Implementing Regulation (EU) No. 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No. 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors*

- *Commission Regulation (EU) No. 559/2011 of 7 June 2011 amending Annexes II and III to Regulation (EC) No. 396/2005 of the European Parliament and of the Council as regards maximum residue levels for captan, carbendazim, cyromazine, ethephon, fenamiphos, thiophanate-methyl, triasulfuron and triticonazole in or on certain products*

Other

- *Commission Regulation (EU) No. 550/2011 of 7 June 2011 on determining, pursuant to Directive 2003/87/EC of the European Parliament and of the Council, certain restrictions applicable to the use of international credits from projects involving industrial gases*

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