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New rules on investor-to-state disputes proposed by the EU Commission

On 21 June 2012, the EU Commission put forward its '*Proposal for a Regulation of the European Parliament and the of the Council establishing a framework for managing financial responsibility linked to investor-to-state dispute settlement tribunals established by international agreements to which the European Union is party*' (hereinafter, the Proposal). The Treaty of Lisbon introduced a new allocation of EU competences that affected, *inter alia*, foreign direct investment. By virtue of Article 207 of the Treaty on the Functioning of the European Union, foreign investment falls within the scope of the EU's Common Commercial Policy, and hence within the exclusive competence of the EU. Consequently, the EU Commission is entitled to negotiate on behalf of the 27 EU Member States on issues concerning the liberalisation and protection of foreign investments.

The Proposal responds to a necessity identified by the EU Commission already in July 2010, when it came forward with a draft EU Regulation on transitional arrangements for bilateral investment treaties (hereinafter, BITs) and a Communication aimed at exposing its views on the coming development of an EU investment policy. The draft EU Regulation, currently in the process of being discussed by the competent EU institutions, is aimed at '*grandfathering*' the approximately 1,200 existing BITs concluded by individual EU Member States with third countries, and which the new regime under the Treaty of Lisbon rendered, in principle, technically illegal. The proposed text lays down the conditions and procedures to be followed by EU Member States in order to maintain existing BITs in force or to amend them, as well as to conclude new ones. As for the Communication, one of the issues raised therein revolved precisely around the need for an investor-state dispute settlement mechanism to be introduced at EU level (see Trade Perspectives Issues No. 14 of 16 July 2010, and No. 10 of 20 May 2011).

The focus of the Proposal is on the allocation of financial responsibility in the event that compensation has to be paid as a consequence to an investor-to-state dispute (*i.e.*, a dispute brought by an investor from a third country against the EU or one of its Member States, on the basis of an international agreement to which the EU is party). State-to-state investment disputes fall outside the scope of the Proposal, inasmuch as no financial responsibility may, strictly, arise from those. In that regard, a state seeking compensation from another state will have to be assigned the relevant claims from its investors. The main criterion for the allocation of financial responsibility is the origin of the controversial measure giving rise to the dispute. According to Article 3 of the Proposal, the EU shall bear financial responsibility from treatment afforded by the institutions, bodies or agencies of the EU, while the individual EU Member State concerned shall do so with respect to treatment accorded by itself, except when such treatment was required under EU law. In cases where such requirement was motivated by a need of the Member State to remedy the inconsistency of its national law with EU law, the concerned Member State shall also bear financial responsibility, unless the adoption of the inconsistent measure was required by EU law.

The Proposal highlights the distinction between the rules governing the allocation of financial responsibility from those relating to the conduct of the dispute (*i.e.*, who is to appear as a respondent). Such a separation is required in order to ensure that the budget of the EU, and hence of the non-concerned Member States, are not affected by the consequences of treatment accorded by a given Member State to an investor. In this respect, the Proposal lays down a set of criteria for the determination of whether it is for the EU or for the concerned Member State to act as respondent in a given dispute. Read in conjunction with Article 3, Article 8 of the Proposal envisages three possible alternatives for the distribution of roles between the EU and the concerned Member State in the conduct of disputes. Under the first possibility, the EU would act as respondent to disputes motivated by treatment granted by an EU institution, and would have to bear full financial responsibility if a hypothetical ruling were to declare that compensation has to be paid to the complainant (*i.e*., the foreign investor). Under the second possible situation, the EU Member State would have to act as respondent in disputes brought as a consequence of a measure enacted by itself and for which it would equally have to accept financial responsibility. In these cases, the concerned Member State would have to keep the EU Commission at all times informed of the procedural steps of the proceedings, as well as to allow it to give directions on specific issues. Thirdly, the Proposal also contemplates the possibility that the EU would act as a respondent in a dispute originated by treatment granted by a Member State. This could only occur in the event of one of the following circumstances: 1) in the case that the concerned Member State decided not to appear as respondent; 2) where the EU Commission decided that EU law was involved to such extent, in the dispute, that the EU might be financially responsible in full or in part; or 3) in cases where the nature of the claims rendered the position of the EU essential as far as the unity of external EU representation was concerned, because it was either likely that similar claims would arise against other Member States in the future, or because unsettled issues of law, likely to recur in other disputes, were raised.

The Proposal will now be discussed by the Council of Ministers and by the European Parliament under the ordinary legislative procedure (the procedure known as '*co-decision*' prior to the Treaty of Lisbon). Under this procedure, both institutions act as co-legislators, meaning that consent of the Parliament is required for the Proposal to be adopted. Should it finally enter into force, these rules are set to govern future disputes arising from the new international agreements envisaging rules on the protection of investments. Third government and companies alike should have a keen interest in the EU debate and the final outcome of the legislative process.

Panel Report issued in the WTO dispute on *China – Countervailing and Anti-Dumping Duties on Grain Oriented Flat-rolled Electrical Steel from the United States*

On 15 June 2012, a WTO Panel issued its report in response to complaints by the US regarding the dispute '*China – Countervailing and Anti-Dumping Duties on Grain Oriented Flat-rolled Electrical Steel from the United States*'. The challenged measures comprised anti-dumping (hereinafter, AD) and countervailing (hereinafter, CVD) duties imposed by China on grain-oriented flat-rolled electrical steel (hereinafter, GOES) from the US, and the alleged procedural violations of the underlying investigation leading to implementation of these duties. On 10 April 2010, the Ministry of Commerce of the People's Republic of China (hereinafter, MOFCOM) issued its final determination in the AD and CVD duties investigations, calculating *ad valorem* subsidy rates on GOES of 11.7% for AK Steel Corp., 12% for ATI Allegheny Ludlum Corp and 44.6% for '*all others*' and dumping margins of 7.8% for AK Steel Corp., 19.9% for ATI Allegheny Ludlum Corp and 64.8% for '*all others*'. In its request for the establishment of a panel, the US had stated, *inter alia*, that: 1) China improperly initiated CVD investigations involving several US laws (*i.e.*, '*Buy America*'

provisions of the American Recovery and Reinvestment Act of 2009); 2) that China violated numerous procedural and due process obligations in conducting its investigation under the WTO Subsidies and Countervailing Measures Agreement (hereinafter, SCM Agreement) and the WTO Anti-Dumping Agreement (hereinafter, AD Agreement), impairing the ability of the US and US companies to defend their interests; and 3) China's finding of injury to its domestic industry was unsupported by the evidence on the record.

The Panel found China's CVD and AD analysis lacking in several aspects, which could possibly result in China needing to revise its approach to AD and CVD investigations, including doing more to meet transparency and due process commitments. Specifically, the Panel found that China initiated CVD investigations of 11 US programmes without sufficient evidence to justify it under Articles 11.2 and 11.3 of the SCM Agreement. Article 11.3 of the SCM Agreement requires that an investigating authority assess the accuracy and adequacy of the evidence in an application for purposes of determining whether it is sufficient to justify the initiation of an investigation. The Panel further stated that such an investigation is unjustified when an investigating authority lacks '*sufficient evidence'* of a subsidy, even if the evidence was not '*reasonably available*' to the applicant.

The Panel reasoned that MOFCOM failed to submit accurate non-confidential summaries of Chinese data submissions containing confidential information. Article 12.4.1 of the SCM Agreement and Article 6.5.1 of the AD Agreement provide that non-confidential summaries must be provided in sufficient detail to permit a '*reasonable understanding*' of the substance of the confidential information submitted, unless exceptional circumstances exist. The summaries provided by China failed to do so, while no exceptional circumstances were found to exist.

The Panel also found that China acted inconsistently with its obligation to disclose the essential facts available in its final determination under Articles 12.2.2, 6.8 and paragraph 1 of Annex II of the AD Agreement. In reaching its decision, the Panel stated that MOFCOM improperly used '*facts available'* to calculate dumping margins for '*all other*' (*i.e.*, unknown) US exporters. Article 6.8 of the AD Agreement permits WTO Members to resort to '*facts available'* for calculating dumping margins whenever an interested party refuses access to, or otherwise fails to provide, necessary information within a reasonable period, or it significantly impedes an investigation. Furthermore, paragraph 1 of Annex II of the AD Agreement requires the investigating authority (*i.e.*, MOFCOM) to specify in detail to interested parties the information required for the investigation and to ensure that this party is aware that, if the requested information is not supplied within a reasonable time, the authorities will be free to make determinations on the basis of the '*facts available*'. Here, the Panel found that '*all other*' exporters were not notified by MOFCOM of the necessary information they were requested to provide and, accordingly, MOFCOM failed to meet the precondition for applying '*facts available'* under paragraph 1 of Annex II of the AD Agreement. As a result, exporters unknown to MOFCOM could not have reasonably refused to comply with requests that they never received. Consequently, the Panel decided that China had improperly used '*facts available*' to calculate dumping margins for '*all other*' exporters, even though the unknown exporters could not have reasonably refused to provide the information as necessary for such data to be used under Article 6.8 and, subsequently, paragraph 1 of Annex II of the AD Agreement.

Pursuant to Article 3.1 of the AD Agreement and Article 15.1 of the SCM Agreement, respectively, an injury determination for purposes of calculating AD and CVD duties must be based on positive evidence and involve an objective examination of both: (a) the volume of the dumped or subsidised imports and the effect of the dumped or subsidised imports on prices in the domestic market for like products; and (b) the consequent impact of these imports on domestic producers of such products. The US challenged MOFCOM's price effects analysis (*i.e.*, whether a significant price undercutting resulted from the

dumped/subsidised imports or whether the effect of such imports is otherwise to depress prices to a significant degree or prevent price increases) in its injury determination by claiming that any price depression in China was not an effect of GOES exports from the US, as China initially found, and was not based on positive evidence. In examining MOFCOM's price effects analysis under Articles 3.1 and 3.2 of the AD Agreement and Articles 15.1 and 15.2 of the SCM Agreement, the Panel held that MOFCOM's comparison of average unit values between GOES imports from the US and domestic sales of GOES, without adjusting for differences in levels of trade and physical characteristics between the products, along with China's failure to conduct contemporaneous price comparisons, was neither made pursuant to an objective examination, nor based on positive evidence as required under the AD and SCM Agreements.

China argued that its price depression was an effect of the low price of subject imports based purely on its findings regarding the volume of subsidised/dumped imports in its market. The Panel once again rejected China's argument stating that MOFCOM's final determination failed to indicate that it relied more heavily on the increase in the volume of imports than it did on low prices for establishing that price depression was an effect of GOES imports from the US. Additionally, the Panel agreed with the assertions of the US that China failed to disclose the '*essential facts*' (violating Article 12.8 of the SCM Agreement and Article 6.9 of the AD Agreement) and '*all relevant information on matters of fact*' (violating Article 22.5 of the SCM Agreement and Article 12.2.2 of the AD Agreement) to support its price effects conclusion regarding the relative '*low price*' of GOES imports from the US, even though it referenced this conclusion multiple times. The US further challenged MOFCOM's causation analysis (*i.e.*, that the dumped imports are causing the injury to China's domestic industry) in its findings of injury, stating that its conclusions were inconsistent with Article 3.5 of the AD Agreement and Article 15.5 of the SCM Agreement. The Panel agreed with the US in confirming, *inter alia*, that MOFCOM's improper price effects findings also contributed in undermining its causation analysis. Finally, the Panel determined that MOFCOM failed to properly examine whether any known factors other than GOES imports from the US were at the same time causing injury to China's domestic industry.

This Panel report is of particular interest for government officials and businesses involved in the application of trade defence instruments. It provides significant legal insight into the importance of conducting WTO-compliant trade defence investigations and making final determinations on whether to invoke duties on imported products. The Panel's final rulings dealt almost exclusively with China's failure to properly follow the procedural requirements of the SCM Agreement and AD Agreement in investigating and reaching its final determination to invoke AD and CVD duties on US GOES. China's failure to do so has rendered its final determination invalid, while the US '*Buy America*' provisions it believes are WTO inconsistent were not even examined by this Panel. Importantly, the Panel did not rule on whether the '*Buy America*' provisions of the American Recovery and Reinvestment Act of 2009 provided WTO-inconsistent benefits to US industry. Similar concerns regarding these provisions and their relation to the steel industry are mentioned in the EU's Ninth Report on Potentially Trade Restrictive Measures. China and the US may appeal this decision to the WTO Appellate Body within 60 days of the date of circulation.

The EU Council adopts conclusions on the protection and welfare of animals, including a call for increasing efforts at ensuring a level playing field for EU and third-country operators

On 18 June 2012, at the meeting of the Agriculture and Fisheries Council, the ministers of the EU Member States adopted conclusions on the protection and welfare of animals (hereinafter, the *'EU Council conclusions'*). The EU Council conclusions agree with the EU

Commission on the need to consider a new EU legislative framework to increase transparency and adequacy of information on animal welfare to consumers for facilitating their purchase choice. At the international level, the EU Commission was urged to increase its efforts at ensuring a level playing field for EU and third-country operators.

Article 13 of the Treaty on the Functioning of the European Union states that '*in formulating and implementing the EU's agriculture, fisheries, transport, internal market, research and technological development and space policies, the EU and its Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional* heritage'. The Action Plan on the Protection and Welfare of Animals 2006-2010 described strategic priorities and future actions and set out a number of key actions with regard to EU animal welfare policy. An evaluation of the Action Plan carried out in 2010 found, *inter alia*, that EU animal welfare legislation had improved the welfare of many animals in Europe, but that more could be achieved through better enforcement of the rules and by extending the scope of EU welfare legislation, so that other groups of animals could benefit from higher welfare standards. The evaluation also found that '*equivalent market conditions between EU businesses and those from third countries exporting to the EU were a long-term project'*.

The EU Council conclusions emphasise that it may be useful to simplify the current legislative framework in order to reduce the administrative workload of operators and authorities. Three aspects of the EU Council conclusions are of particular interest from an international trade perspective: 1) voluntary labelling schemes; 2) welfare of animals during transport; and 3) the EU's international strategy on animal welfare. As regards voluntary labelling schemes, the EU Council conclusions note that they may promote higher animal welfare standards, but only if such schemes are effective in creating consumer confidence, are transparent and reliable, communicate the relevant welfare message effectively, and go beyond the minimum standards set out in legislation. On transport, the EU Council conclusions encourage the EU Commission to take account of existing and emerging scientific evidence concerning animal welfare during transport and of technological progress when considering additional actions in the future and for possible future amendments to *Council Regulation (EC) No. 1/2005 on the protection of animals during transport*, including the insertion of provisions on maximum journey time for slaughter animals. The EU Council conclusions invite the EU Commission '*to examine the possibility of adopting implementing rules in relation to livestock vessels and other areas where it is particularly important to ensure adequate and uniform enforcement of the legislation, such as internal height, loading densities for different weight categories of pigs, and certain standards for the approval of means of transport, including design of watering devices and the temperature monitoring system*'. Finally, the EU Council conclusions call on the EU Commission '*to strengthen its international strategy on animal welfare in order to increase the value of animal welfare, to limit distortions of competition and to aim at ensuring at least equivalence between EU and third country operators, particularly in bilateral trade agreement negotiations, and encourages the Commission to promote EU standards and knowledge as regards the protection and welfare of animals in multilateral fora such as OIE, WTO and FAO*'.

Animal welfare issues clearly relate to the World Trade Organization (hereinafter, the WTO) and the rules of the international trading system, as they stand to have a significant impact on trade in animals and animal products. Animal welfare issues, when affecting trade, can be considered as non-tariff trade barriers. Under WTO rules, Members may not be allowed to enact or maintain trade barriers to protect animal welfare in the course of trade if these rules do not comply with a number of key principles of the WTO system (*i.e.*, non-discriminatory application, proportionality through the choice of the least trade distortive measures, necessity, etc.). When a country bans or restricts importation of certain goods (in order to protect certain legitimate objectives), its measure will fall within the scope of the

substantive obligations of Articles I, III, and/or XI of the General Agreement on Tariffs and Trade (hereinafter, the GATT). The key legal issue then is always that of determining whether one (or more) of the General Exceptions available under Article XX of the GATT can be accepted as a defence for the otherwise WTO illegal trade measure. Under Article XX of the GATT, in relevant part, '*subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction of international trade*', the WTO system will not prevent WTO Members from adopting or enforcing measures that are deemed (*inter alia*) '*necessary to protect public morals' or 'necessary to protect human, animal or plant life or health*'.

The EU Council conclusions show that the EU will continue to pursue objectives of animal welfare protection also at the international level. This will inevitably affect trade and may result in occasional trade disputes, such as the dispute with Canada on the seals fur ban, which has escalated to WTO dispute settlement. In the context of the EU animal welfare legislation, the EU Commission issued a '*reasoned opinion*' to 10 EU Member States (*i.e*., Belgium, Greece, Spain, France, Italy, Cyprus, Hungary, the Netherlands, Poland and Portugal) for failing to comply with *Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens* under which *'un-enriched'* cages for laying hens are banned as of 1 January 2012. The countries concerned still appear to allow the use of these cages for laying hens and might, therefore, face legal action at the Court of Justice of the EU. In order to avoid a *plethora* of future dispute settlement cases stemming from unilateral actions on animal welfare that have distortive or discriminatory effects on trade, the suggestion is made that the EU try to secure a multilateral agreement on animal welfare and/or agree to specific disciplines that would apply to bilateral trade under the many preferential trading arrangements (*i.e*., FTAs, CEPAs, EPAs, etc.) that it is currently negotiating with selected countries. In this context, it should be noted that in the still ongoing Doha Development Agenda negotiations, the EU tabled on 28 June 2000 a proposal on *Animal Welfare and Trade in Agriculture* in which it stated that '*the impact of trade liberalisation on animal welfare, in particular the welfare of farm animals and the transport of live animals, cannot be denied',* and that *'WTO members should not hamper trade in agriculture and food products because of animal welfare'.* However, the EU considered that '*equally, it is important to secure the right of those WTO members that apply high animal welfare standards to maintain them*'.

The EU signs a Partnership and Cooperation Agreement with Vietnam and a FTA with Colombia and Peru

A Partnership and Cooperation Agreement (hereinafter, PCA) was signed between the EU and Vietnam on 27 June 2012. The aim of this type of partnership is to strengthen democracies and to develop economies through the cooperation of the Parties in a broad range of areas, including science and technology, education, agriculture and forestry, or the attainment of a market economy. PCAs are meant to pursue their objectives while observing democratic values and principles of international law and human rights. In the area of trade, the PCA between the EU and Vietnam provides for the Parties to engage in dialogue on trade-related issues, to eliminate barriers to trade, and to improve transparency. In this regard, provisions in a variety of areas, including sanitary and phytosanitary measures, technical barriers to trade, investment, competition or intellectual property rights, are laid down. In addition, the PCA states that the Parties '*endeavour*' to explore the option of a '*negotiation of free trade and other agreements of mutual interest'.* In this respect, Vietnam and EU authorities announced on 26 June 2012 the launch of negotiations for the conclusion of a Free Trade Agreement (hereinafter, FTA). The two trading partners reportedly seek a comprehensive agreement that covers tariff and non-tariff barriers, as well as commitments

in further trade areas, namely procurement, competition, services, and other regulatory issues.

Vietnam is not the first Member of the Association of Southeast Asian Nations (hereinafter, ASEAN) to negotiate a FTA with the EU. In fact, the two regions launched negotiations for a regional FTA *(i.e.*, between the two blocks) in May 2007. However, due, *inter alia*, to the extreme complexity of the negotiations, those trade talks were put on hold in May 2009. Instead, the EU decided to pursue its objective of a far-reaching and comprehensive FTA with ASEAN through the conclusion of bilateral FTAs between individual ASEAN Member States and the EU (see Trade Perspectives Issue No. 9 of 4 May 2012). In this context, Vietnam is the third Member of ASEAN, after Singapore and Malaysia, to enter into FTA negotiations with the EU.

On 26 June 2012, the EU also signed a comprehensive and far-reaching FTA with Colombia and Peru. This agreement is aimed at easing market access on all sides, and to improving trade relations between the three trading partners. When it comes to the elimination of tariffs, the FTA provides for the removal of customs duties paid in respect of industrial and fisheries products, as well as those in the chemical, textile, telecoms equipment and pharmaceutical sectors. The FTA also lays down rules on non-tariff barriers to trade (*i.e.*, obstacles that hinder trade on technical or procedural grounds, for instance by means of technical regulations, standards, or conformity assessment procedures that are more burdensome than necessary). The rules envisaged by the FTA in this regard embrace commitments well beyond those envisaged in the WTO Agreements, by providing, on the one hand, for mechanisms to be applied systemically and, on the other hand, for measures targeted at specific sectors. When it comes to the aforementioned systemic mechanisms, the Parties to the FTA commit, in particular, to extend the deadlines for the submission of comments to technical regulations, and to make those comments, as well as the final adopted versions, available to the public. The provisions of the FTA provide for full access to the procurement of local municipalities and central authorities, which will allow EU companies to successfully bid for procurement contracts in either Colombia or Peru. In the area of services, the Agreement includes commitments enabling EU firms to provide services in respect of key areas, such as financial and professional services, maritime transport and telecommunications, through commercial presence and cross-border supply. The FTA encompasses as well a section on the protection of intellectual property rights, covering copyrights and trademarks (and geographical indications, in a subsequent phase). Specific procedures, including civil and administrative, together with border enforcement measures, are provided for the protection of those rights. The FTA requires the Parties to ban the most harmful anti-competitive practices, in order to ensure open and fair competition in their respective markets. In addition, a set of rules on dispute settlement tackling typically problematic issues, such as those relating to transparency or the sequencing issue (*i.e*., whether a country is allowed to retaliate before non-compliance has been verified), is provided for. Although the FTA has already been signed, it needs to be formally ratified by the three trading partners.

The negotiation and signing of the aforementioned agreements evidence the increased commitment of the EU to address global issues from a bilateral/regional perspective, given the current deadlock of multilateral talks. Companies operating globally are advised to stay updated on any coming developments in this area, inasmuch any new rules framing trade relations between countries are more than likely to affect their operations.

Recently Adopted EU Legislation

Market Access

- *Commission Regulation (EU) No. 572/2012 of 28 June 2012 making imports of certain prepared or preserved citrus fruits (namely mandarins, etc.) originating in the People's Republic of China subject to registration.*

- *Council Regulation (EU) No. 551/2012 of 21 June 2012 amending Regulation (EU) No. 7/2010 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products.*

- *Commission Implementing Regulation (EU) No. 532/2012 of 21 June 2012 amending Annex II to Decision 2007/777/EC and Annex I to Regulation (EC) No. 798/2008 as regards entries for Israel in the lists of third countries or parts thereof with respect to highly pathogenic avian influenza.*

- *Commission Implementing Regulation (EU) No. 508/2012 of 20 June 2012 amending Regulation (EC) No. 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No. 834/2007 as regards the arrangements for imports of organic products from third countries.*

- *Commission Implementing Regulation (EU) No. 521/2012 of 19 June 2012 amending Regulation (EC) No. 1187/2009 as regards export licences for cheese to be exported to the United States of America under certain GATT quotas.*

- *Commission Implementing Decision of 15 June 2012 adopting Union import decisions for certain chemicals pursuant to Regulation (EC) No. 689/2008 of the European Parliament and of the Council.*

- *Regulation (EU) No. 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products.*

- *European Parliament resolution of 3 February 2011 on the conclusion of a Geneva Agreement on Trade in Bananas between the European Union and Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela and of an Agreement on Trade in Bananas between the European Union and the United States.*

- *Agreements on trade in bananas - European Parliament legislative resolution of 3 February 2011 on the draft Council decision on the conclusion of a Geneva Agreement on Trade in Bananas between the European Union and Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela and of an Agreement on Trade in Bananas between the European Union and the United States of America (07782/2010 – C7-0148/2010 – 2010/0057(NLE)).*

- *Repeal of Council Regulation (EC) No. 1964/2005 on the tariff rates for bananas – European Parliament legislative resolution of 3 February 2011 on the proposal for a regulation of the European Parliament and of the Council repealing Council Regulation (EC) No 1964/2005 on the tariff rates for bananas (COM(2010)0096 – C7-0074/2010 – 2010/0056(COD)) - P7_TC1-*

COD(2010)0056 - Position of the European Parliament adopted at first reading on 3 February 2011 with a view to the adoption of Regulation (EU) No. …/2011 of the European Parliament and of the Council repealing Council Regulation (EC) No. 1964/2005 on the tariff rates for bananas.

- *Decision of the EEA Joint Committee No. 33/2012 of 10 February 2012 setting up a Joint Working Group to monitor the implementation of Chapter IIa of Protocol 10 to the EEA Agreement on simplification of inspections and formalities in respect of carriage of goods and defining its rules of procedure.*

- *Decision of the EEA Joint Committee No. 6/2012 of 10 February 2012 amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement.*

- *Decision of the EEA Joint Committee No. 7/2012 of 10 February 2012 amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement.*

- *Decision of the EEA Joint Committee No. 8/2012 of 10 February 2012 amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement.*

- *Decision of the EEA Joint Committee No. 9/2012 of 10 February 2012 amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement.*

- *Decision of the EEA Joint Committee No. 10/2012 of 10 February 2012 amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement.*

- *Decision of the EEA Joint Committee No. 11/2012 of 10 February 2012 amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement.*

- *Decision of the EEA Joint Committee No. 12/2012 of 10 February 2012 amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement.*

- *Decision of the EEA Joint Committee No. 13/2012 of 10 February 2012 amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement.*

- *Decision of the EEA Joint Committee No. 14/2012 of 10 February 2012 amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement.*

- *Decision of the EEA Joint Committee No. 15/2012 of 10 February 2012 amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement.*

- *Decision of the EEA Joint Committee No. 23/2012 of 10 February 2012 amending Annex XIII (Transport) to the EEA Agreement.*

- *Decision of the EEA Joint Committee No. 24/2012 of 10 February 2012 amending Annex XIII (Transport) to the EEA Agreement.*

- *Decision of the EEA Joint Committee No. 25/2012 of 10 February 2012 amending Annex XIII (Transport) to the EEA Agreement.*

- *Decision of the EEA Joint Committee No. 26/2012 of 10 February 2012 amending Annex XIII (Transport) to the EEA Agreement.*

- *Decision of the EEA Joint Committee No. 27/2012 of 10 February 2012 amending Annex XIII (Transport) to the EEA Agreement.*

Trade Remedies

- *Commission Decision of 27 June 2012 terminating the anti-dumping proceeding concerning imports of certain concentrated soy protein products originating in the People's Republic of China.*

- *Council Implementing Regulation (EU) No. 558/2012 of 26 June 2012 amending Implementing Regulation (EU) No. 102/2012 imposing a definitive anti-dumping duty on imports of steel ropes and cables originating, inter alia, in the People's Republic of China as extended to imports of steel ropes and cables consigned from, inter alia, the Republic of Korea, whether declared as originating in the Republic of Korea or not.*

- *Council Implementing Regulation (EU) No. 559/2012 of 26 June 2012 terminating the partial interim review concerning the countervailing measures on imports of certain polyethylene terephthalate (PET) originating in, inter alia, India.*

- *Council Implementing Regulation (EU) No. 560/2012 of 26 June 2012 terminating the partial interim review concerning the anti-dumping measures on imports of certain polyethylene terephthalate (PET) originating in India.*

- *Council Implementing Regulation (EU) No. 567/2012 of 26 June 2012 amending Implementing Regulation (EU) No. 917/2011 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ceramic tiles originating in the People's Republic of China, by adding a company to the list of producers from the People's Republic of China listed in Annex I.*

- *Commission Regulation (EU) No. 548/2012 of 25 June 2012 initiating an investigation concerning the possible circumvention of anti-dumping measures imposed by Council Regulation (EC) No. 1458/2007 on imports of gas-fuelled, non-refillable pocket flint lighters originating in the People's Republic of China by imports of gas-fuelled, non-refillable pocket flint lighters consigned from Vietnam, whether declared as originating in Vietnam or not, and making such imports subject to registration.*

- *Council Implementing Regulation (EU) No. 540/2012 of 21 June 2012 amending Regulation (EC) No. 954/2006 imposing a definitive anti-dumping duty on imports of certain seamless pipes and tubes, of iron or steel originating in Croatia, Romania, Russia and Ukraine.*

- *Council Implementing Regulation (EU) No. 541/2012 of 21 June 2012 terminating the interim review of the anti-dumping measures concerning imports of furfuraldehyde originating in the People's Republic of China and repealing those measures.*

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

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

Customs Law

- *Council Regulation (EU) No. 552/2012 of 21 June 2012 amending Regulation (EU) No. 1344/2011 suspending the autonomous Common Customs Tariff duties on certain agricultural, fishery and industrial products.*

- *Commission Implementing Regulation (EU) No. 553/2012 of 19 June 2012 concerning the classification of certain goods in the Combined Nomenclature.*

- *Commission Implementing Regulation (EU) No. 554/2012 of 19 June 2012 concerning the classification of certain goods in the Combined Nomenclature.*

Food and Agricultural Law

- *Commission Implementing Regulation (EU) No. 569/2012 of 28 June 2012 temporarily suspending customs duties on imports of certain cereals for the 2012/2013 marketing year.*

- *Commission Implementing Regulation (EU) No. 562/2012 of 27 June 2012 amending Commission Regulation (EU) No. 234/2011 with regard to specific data required for risk assessment of food enzymes.*

- *Commission Implementing Regulation (EU) No. 561/2012 of 27 June 2012 amending Implementing Regulation (EU) No. 284/2012 imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station.*

- *Commission Regulation (EU) No. 556/2012 of 26 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 spinosad in or on raspberries.*

- *Commission Implementing Regulation (EU) No. 546/2012 of 25 June 2012 amending Regulation (EU) No. 206/2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements.*

- *Commission Implementing Regulation (EU) No. 514/2012 of 18 June 2012 amending Annex I to Regulation (EC) No. 669/2009 implementing Regulation (EC) No. 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin.*

- *Decision of the EEA Joint Committee No. 1/2012 of 10 February 2012 amending Annex I (Veterinary and phytosanitary matters) to the EEA Agreement.*

- *Decision of the EEA Joint Committee No. 2/2012 of 10 February 2012 amending Annex I (Veterinary and phytosanitary matters) to the EEA Agreement.*

- *Decision of the EEA Joint Committee No. 3/2012 of 10 February 2012 amending Annex I (Veterinary and phytosanitary matters) to the EEA Agreement.*

- *Decision of the EEA Joint Committee No. 4/2012 of 10 February 2012 amending Annex I (Veterinary and phytosanitary matters) to the EEA Agreement.*

- *Decision of the EEA Joint Committee No. 5/2012 of 10 February 2012 amending Annex I (Veterinary and phytosanitary matters) and Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement.*

- *Publication of an application for registration pursuant to Article 8(2) of Council Regulation (EC) No. 509/2006 on agricultural products and foodstuffs as traditional specialities guaranteed.*

Trade-Related Intellectual Property Rights

- *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.*

- *Notice concerning the entry into force of the Agreement between the European Union and Georgia on protection of geographical indications of agricultural products and foodstuffs.*

Other

- *Commission Regulation (EU) No. 547/2012 of 25 June 2012 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for water pumps.*

- *Commission Regulation (EU) No. 555/2012 of 22 June 2012 amending Regulation (EC) No. 184/2005 of the European Parliament and of the Council on Community statistics concerning balance of payments, international trade in services and foreign direct investment, as regards the update of data requirements and definitions.*

- *Council Decision of 23 April 2012 on the signing, on behalf of the Union, of the Agreement in the form of an Exchange of Letters between the European Union, of the one part, and the State of Israel, of the other part, amending the Annexes to Protocols 1 and 2 of the Euro-Mediterranean Agreement*

establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part.

- *Regulation (EU) No. 500/2012 of the European Parliament and of the Council of 13 June 2012 amending Council Regulation (EC) No. 302/2009 concerning a multiannual recovery plan for bluefin tuna in the eastern Atlantic and Mediterranean.*

- *Update of the list of national services responsible for border controls for the purposes of Article 15(2) of Regulation (EC) No. 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ C 247, 13.10.2006, p. 17; OJ C 77, 5.4.2007, p. 11; OJ C 153, 6.7.2007, p. 21; OJ C 331, 31.12.2008, p. 15; OJ C 87, 1.4.2010, p. 15).*

- *List of titles of Written Questions by Members of the European Parliament indicating the number, original language, author, political group, institution addressed, date submitted and subject of the question.*

- *Opinion of the European Economic and Social Committee on the 'Proposal for a Regulation of the European Parliament and of the Council on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change'COM(2011) 789 final — 2011/0372 (COD).*

- *Opinion of the European Economic and Social Committee on the 'Proposal for a Regulation of the European Parliament and of the Council on the Common Organisation of the Markets in Fishery and Aquaculture Products' COM(2011) 416 final ,'Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — Reform of the common fisheries policy' COM(2011) 417 final ,'Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on "External Dimension of the common fisheries policy" 'COM(2011) 424 final, and the 'Proposal for a Regulation of the European Parliament and of the Council on the common fisheries policy' COM(2011) 425 final.*

- *Opinion of the European Economic and Social Committee on the 'Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No. 1185/2003 on the removal of fins of sharks on board vessels' COM(2011) 798 final — 2011/0364 (COD).*

- *Opinion of the European Economic and Social Committee on the 'Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No. 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks' COM(2012) 21 final — 2012/0013 (COD).*

- *Corrigendum to Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010).*

- *Decision of the EEA Joint Committee No. 16/2012 of 10 February 2012 amending Annex IV (Energy) to the EEA Agreement.*
- *Decision of the EEA Joint Committee No. 17/2012 of 10 February 2012 amending Annex IV (Energy) to the EEA Agreement.*
- *Decision of the EEA Joint Committee No. 19/2012 of 10 February 2012 amending Annex IX (Financial services) to the EEA Agreement.*
- *Decision of the EEA Joint Committee No. 20/2012 of 10 February 2012 amending Annex IX (Financial services) to the EEA Agreement.*
- *Decision of the EEA Joint Committee No. 21/2012 of 10 February 2012 amending Annex X (Services in general) to the EEA Agreement.*
- *Decision of the EEA Joint Committee No. 28/2012 of 10 February 2012 amending Annex XX (Environment) to the EEA Agreement.*
- *Decision of the EEA Joint Committee No. 29/2012 of 10 February 2012 amending Annex XX (Environment) to the EEA Agreement.*
- *Decision of the EEA Joint Committee No. 30/2012 of 10 February 2012 amending Annex XXI (Statistics) to the EEA Agreement.*

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