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Panel report issued in the WTO *US – Tuna II (Mexico)* dispute

On 15 September 2011, the WTO panel issued its report for the *US – Tuna II (Mexico)* dispute. The dispute dates back to the early 1990s, when the US implemented an embargo on Mexican tuna fish imports. The ban was implemented due to the use by Mexican fishermen of purse seine nets, which the US claimed trap dolphins along with the fish. Mexico won the case against the embargo under the General Agreement on Tariffs and Trade (hereinafter, the GATT). Nevertheless, the US dolphin-safe labelling requirements were not found to be GATT incompatible. In addition, the *US – Tuna I* GATT panel report was not adopted and it did not become legally binding, so the US did not lift the embargo until 1997. The US labelling requirements remained in force until now. It is also known that most American consumers demonstrate a strong tendency to buy tuna products with the dolphin-safe logo on labels.

Following unsuccessful consultations, on 9 March 2009 Mexico requested the establishment of a WTO panel to examine the US measures concerning the dolphin-safe labelling of tuna and tuna products. In the request, Mexico claimed that the US labelling requirements are contrary to Articles I:1 and III:4 of the GATT, as well as Articles 2.1, 2.2, 2.3, and 2.4 of the WTO Agreement on Technical Barriers to Trade (hereinafter, the TBT Agreement). The US measures at stake were the '*Dolphin Protection Consumer Information Act*' (16 U.S.C § 1385), the '*Dolphin-safe labelling standards*' (50 CFR § 216.91), the '*Dolphin-safe requirements for tuna harvested in the Eastern Tropical Pacific Ocean (hereinafter, ETP) by large purse seine vessels*' (50 CFR § 216.92) and the ruling of the 9th Circuit Court in the case *Earth Island Institute v. Hogarth*. Following the reasoning of *Japan – Apples* and *Australia – Apples*, the Panel considered all those separate interrelated provisions as a single measure: '*the US dolphin-safe labelling provisions*'.

The core of the dispute was the US policy of prohibiting the use of '*dolphin-safe*' labels on tuna caught in the ETP with purse seine nets. The Panel started its examination from the TBT claims. For the measure at hand to fall within the scope of the TBT, the measure should be a technical regulation, defined in Annex 1 of the TBT as a '*document which lays down product characteristics or their related processes and production methods, including the applicable administrative provisions, with which compliance is mandatory*'. The most disputed matter was the mandatory nature of the labelling scheme: the US insisted that products could be lawfully offered for sale without the '*dolphin-safe*' label and thus there was no mandatory compliance with the labelling requirements for Mexican tuna exporters. Despite these concerns, the Panel came to a contrary conclusion. The Panel noted that the word '*mandatory*' should not be necessarily read in the '*positive manner*' (*i.e.*, as a requirement to label). According to the Panel, the '*mandatory*' nature of a measure could be embodied '*in a negative form*': the Panel established, that no tuna product '*may be labelled dolphin-safe or otherwise refer to dolphins*' if the product does not meet the conditions of the measure at issue. In the view of the Panel, the measure therefore imposes a prohibition on

the offering for sale in the US of tuna products bearing a dolphin-safe label and not meeting the requirements of the dolphin-safe labelling provisions. Refraining from drawing general conclusions of the mandatory nature of any labelling scheme, the Panel still found such '*negative*' mandatory nature present in the case at hand: the measures are legally enforceable, they prohibit the use of other terms or any statements relating to dolphins in the label, and they leave absolutely no discretion to resort to any other standard to inform the consumers about the '*dolphin-safety*' of tuna. Noteworthy, this finding was not supported by one of the panellists, who presented his separate opinion in the report.

Mexico also claimed that the US dolphin-safe labelling provisions are inconsistent with Article 2.1 of the TBT Agreement because they afford treatment less favourable to Mexican tuna products *vis-à-vis* the '*like*' US products. Differences in the catch methods were not taken into account by the Panel for the determination of product '*likeness*'. Moreover, jurisprudence on product '*likeness*' under Article III:4 of the GATT, specifically by the Appellate Body in *EC – Asbestos*, was considered pertinent for the interpretation of Article 2.1 of the TBT Agreement and the Mexican and the US tuna products were found to be '*like*' products. However, in the case at hand the Panel did not find Mexican tuna treated less favourably than the US tuna, as the detrimental impact of the dolphin-safe labelling provisions was attributed to fishing and purchasing practices, geographical location, economic and marketing choice, but not the nationality of the product. Thus, Mexico's claims under Article 2.1 of the TBT Agreement were rejected. As to claims under Article 2.2 of the TBT Agreement, the Panel had to determine if the measures did create unnecessary obstacles to international trade or were more trade restrictive than necessary. The objectives of protecting consumers from the deceptive practices were found by the Panel legitimate within Article 2.2, as consumers of tuna products are very sensitive to the potential adverse effect of tuna fishing on dolphins. However, Mexico asserted that, despite the continuous use of purse-seine nets and other fishing techniques considered dolphin-unsafe by the US, Mexico's vessels nonetheless comply with the relevant international standards, most notably the Agreement on the International Dolphin Conservation Program (AIDCP), which has its own '*dolphin-safe*' labelling scheme. In Mexico's view, the US labelling provisions are '*more trade restrictive than necessary*' to fulfil the legitimate objectives being sought, '*taking account of the risks non-fulfilment would create*'. The Panel emphasised that the focus in Article 2.2 of the TBT Agreement is on the trade restrictiveness of the measure (not its necessity) and thus also on the chosen level of protection by the Member. In this respect, the Panel found that the measure at issue fails to secure the accurate consumer information on the dolphin-safety of tuna products caught outside ETP. The Panel has supported the AIDCP dolphin-safe requirements as a less trade restrictive alternative available to the US: AIDCP enacts a '*non-injury*', not a '*finishing method*' approach, so even tuna caught with purse seine nets can qualify for dolphin-safe labels, if independent veterinarians certify that no dolphins were injured. The Panel thus concluded that the current US dolphin-safe labelling requirements are more trade restrictive than necessary. Finally, in respect of Article 2.4 of the TBT Agreement, the Panel did not consider the AIDCP standard as an effective and appropriate means to fulfil the US objectives at the level of protection chosen by the US, as it fails to address unobserved adverse effects derived from repeated chasing, encircling and deploying purse seine nets on dolphins. The arguments under the GATT were not assessed due to judicial economy.

The decision provides some key insights on the interpretation of Articles 2.1 and 2.2 of the TBT Agreement. The perception of a voluntary labelling scheme as a technical regulation has direct consequences for mapping the scope of the TBT Agreement. The most debated part of the ruling is the interpretation of the term '*mandatory*' as including the labelling requirements like those at issue. Though the Panel emphasised that no general conclusions should be extracted from its findings in the given circumstances, it has opened the door to a very broad interpretation of the term '*mandatory*', embracing the widest range of voluntary schemes with stringent requirements, compliance with which is still not requested for offering

the product for sale. This determination should be noted by commercial parties which may in future face rigid criteria under voluntary labelling in foreign jurisdictions. Moreover, the Panel did not consider the differences in catching techniques sufficient to make products '*unlike*'. Even though the label on the product makes the production method evident to consumers, the Panel did not find this difference relevant for rendering the products '*unlike*'. Finally, the decision has also serious consequences for scoping the Members' '*right to regulate*', as the ruling seems to limit the freedom of Members to decide on the means to achieve the appropriate level of protection. These implications should be taken into account by public authorities when drafting the criteria of their labelling schemes.

Brazil initiates WTO talks on measures to mitigate currency exchange rates manipulations

On 20 September 2011, Brazil has filed its second submission to the WTO Working Group on Trade, Debt and Finance on the relationship between exchange rates and international trade. This submission is following the previous proposition of Brazil on this matter, filed earlier this year in April. The new submission intends to move the discussion of this contentious issue forward and proposes to organise a specific workshop on the topic in the first quarter of 2012. Furthermore, Brazil is set to propose an '*exchange rate anti-dumping*' measure to the WTO in order to permit Members to retaliate against trading partners that undertake competitive devaluations of their currencies. According to the Brazilian Minister of Development, Industry and Foreign Trade, mechanisms including anti-dumping and safeguard mechanisms, need to be updated to deal with '*steep fluctuations in exchange rate*s'.

The current WTO toolkit to address currency devaluation mechanisms is fairly limited. Article II:6 of the GATT seems to acknowledge the impact of currency fluctuations on the value of Members' trade concessions and the potential to adjust tariff commitments based on considerable exchange rate fluctuations (*i.e.*, in case the currency '*par value is reduced consistently with the Articles of Agreement of the IMF by more than twenty per centum*'). However, this provision was drafted in the pre-1971 IMF fixed change rate environment, which is no longer in place. In addition, Article XV:4 of the GATT prohibits Members to frustrate the intent of the provisions of the GATT by exchange actions. However, there are no systemic measures to combat artificial currency fluctuations. One of the instruments that could possibly be used to counter currency devaluation are countries' trade defence measures. Brazil refers to the '*travaux préparatoires*' of the Havana Charter 1947 as a proof that currency manipulations were at that time considered as potential '*subsidies to export which can be met by countervailing duties' or 'a form of dumping by means of a partial depreciation of a country's currency*'.

As to anti-dumping duties against currency manipulation, it should be noticed that dumping is classically interpreted as behaviour at the level of commercial firms. Finding dumping in cases of currency depreciation would amount to a highly discretionary interpretation of the concept of dumping, and might well be contrary to the '*fair comparison*' between the export price and normal value requested under Article 2.4 of the WTO Anti-dumping Agreement. Allegedly more suitable trade defence instruments could be found under the Agreement on Subsidies and Countervailing Measures (hereinafter, the ASCM). Though the ASCM was not drafted with currency manipulations in mind, the margin of depreciation could be potentially construed as a subsidy to the exporting producers. These concerns have been already reflected in US legislative developments. The proposed amendment to the Tariff Act of 1930 (H.R. 2378) tackles the manipulation of currency exchange rates by other countries (for the detailed analysis of the amendment and its WTO compatibility see Trade Perspectives, Issue No. 18 of 8 October 2010). It intends to authorise the US Commerce Department to

treat *'fundamentally undervalued currencies'* as countervailable subsidies under the US law. The bill has passed the House of Representatives on 29 September 2010, but it has not yet passed the Senate.

Of particular interest is the '*obiter dicta*' idea of the Brazilian Minister to address the currency fluctuations through potential safeguard disciplines reform. Unlike anti-dumping and anti-subsidy measures, safeguards are not intended to offset the consequences of unfair trade practices by foreign traders. Thus, under the current rules and without any further amendments, Brazil could invoke safeguard provisions against imports to its territory in such increased quantities and under such conditions as to cause or threaten to cause serious injury to the domestic industry producing '*like*' or directly competitive products. However, following the approach of the Appellate Body in *Korea – Diary*, for the effective interpretation of the WTO Agreement on Safeguards (hereinafter, the SA), Article XIX of the GATT remains of utmost importance. Could the substantial currency fluctuation be treated as an '*unforeseen development*', (*i.e.*, '*development occurring after the negotiation of the relevant tariff concession which it would not be reasonable to expect that the negotiators of the country making the concession could and should have foreseen at the time when the concession was negotiated*')? Even in the affirmative, under Article 8 of the SA, the Member imposing safeguard actions shall provide, to the affected importing Member, compensation substantially equivalent to the adverse trade effects caused by the measure. In other words, in case safeguard measures were imposed by Brazil to mitigate the currency fluctuations, the need to compensate the affected Members in the form of substantially equivalent trade concessions would inevitably arise. The two mentioned essential provisions of the WTO safeguard regime appear to make it highly ineffective to pursue the goals of Brazil.

As emphasised by the Brazilian Minister of Development, Industry and Foreign Trade, the WTO regulatory framework at the moment does not provide an adequate response to the problem of currency fluctuations. That denotes the need for a *sui generis* institutional approach towards currency undervaluation outside of the scope of currently available trade defence instruments and terminology. In any case, the vocal attempts of Brazil to have the issue addressed at the multilateral level demonstrate the tremendous business implications of the ongoing currencies devaluations. The introduction of the institutional response to this problem would be of particular interest to domestic industries, suffering from the strengthening of competition from the exporting countries involved in artificial currency depreciation. Finding a solution at the multilateral level underlines the need for a transparent and coherent international decision that would avoid looming '*currency wars*' with unpredictable consequences to world trade.

Judgement of the Court of Justice clarifies which rules apply to EU Member States' emergency measures concerning marketing authorisations for GMOs

In a preliminary ruling of 8 September 2011, in joined cases C-58/10 to C-68/10, *Monsanto SAS and Others v. the French Ministry of Agriculture and Fisheries*, the European Court of Justice ruled on the conditions under which EU Member States' authorities may introduce a provisional prohibition on the cultivation of genetically modified organisms (GMOs). The Court held that in the cases at stake, France has adopted emergency measures in relation to MON 810 maize on the wrong legal basis, but it could have adopted emergency measures under the conditions set out in the EU legislation governing food and animal feed.

The deliberate release of GMOs in the EU, whether through field experiments or the cultivation of genetically modified plant varieties, is governed by two different schemes. First, the scheme under *Directive 2001/18/EC on the deliberate release into the environment of GMOs (and repealing Council Directive 90/220/EEC)*, which is applicable to the release of all

GMOs and, second, that of *Regulation (EC) No. 1829/2003 on genetically modified food and feed*, which may also apply with regard to GMOs intended for human or animal consumption. By Decision 98/294/EC of 22 April 1998, at the request of Monsanto Europe, the EU Commission authorised the placing on the market of genetically modified MON 810 maize, on the basis of *Directive 90/220/EEC on the deliberate release into the environment of GMOs*, which was then in force. MON 810 maize, which is used in the EU as animal feed and is particularly resistant to certain parasites, is one of only two commercially grown GM crops in Europe (used in the Czech Republic, Portugal, Slovakia and Spain). The second one is the Amflora potato (see Trade Perspectives Issue No. 5 of 12 March 2010), which is grown in Germany and Sweden.

On 11 July 2004, Monsanto Europe notified MON 810 maize to the EU Commission as an '*existing product*', not under the deliberate release *Directive 2001/18/EC*, but on the basis of *Regulation No. 1829/2003 on genetically modified food and feed*, as having been lawfully placed on the market before the date of application of that regulation (18 April 2004). On 4 May 2007, Monsanto Europe applied for renewal of the authorisation to place that GMO on the market on the basis of that same regulation. In 2007, France adopted, by way of emergency measures, an order suspending the transfer and use, within its national territory, of MON 810 maize seed, and subsequently, in 2008, two orders prohibiting the planting of MON 810 maize seed. The French measures were based on the safeguard clause provided for in *Directive 2001/18/EC*. In the course of actions for annulment of those measures, which were brought by Monsanto and a number of seed producers before the French *Conseil d'État*, the question arose as to whether emergency measures could by adopted by France on the basis of *Directive 2001/18/EC* or whether they ought to have been adopted on the basis of *Regulation (EC) No. 1829/2003 and Regulation (EC) No. 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.*

In its judgement of 8 September 2011, in response to the *Conseil d'État*'s preliminary questions, the Court of Justice noted that, in the present cases, MON 810 maize, which was authorised as, *inter alia*, seed for purposes of planting under *Directive 90/220/EEC on the deliberate release into the environment of GMOs* (repealed by Directive 2001/18/EC), was notified as an '*existing product*' pursuant to *Regulation (EC) No. 1829/2003*, and was subsequently the subject of a pending application for renewal of authorisation under that regulation. The Court found that, in such circumstances, a Member State may not have recourse to the safeguard clause provided for in *Directive 2001/18/EC* in order to adopt measures provisionally suspending and then prohibiting the use or placing on the market of a GMO such as MON 810 maize. However, emergency measures could have been adopted under *Regulation (EC) No. 1829/2003*.

There is a significant difference between the two different emergency measures. While *Directive 2001/18/EC* allows the adoption of such measures by an EU Member State directly and on its own initiative, *Regulation (EC) No. 1829/2003* and *Regulation (EC) No. 178/2002* (to which Regulation (EC) No. 1829/2003 makes reference) allow an EU Member State to adopt emergency measures only when it has informed the Commission officially of the need to adopt such *interim* protective measures and the Commission has failed to act. Therefore, certain additional procedural conditions set out in Article 54 of *Regulation (EC) No. 178/2002* have to be met, which France, in the case at stake, had not.

In addition, substantive conditions governing emergency measures adopted under *Regulation No. 1829/2003* are that EU Member States are required to provide evidence, in addition to urgency, of the existence of a situation which is likely to constitute a clear and serious risk to human health, animal health or the environment. Notwithstanding their temporary and preventive nature, those measures may be adopted only if they are based on a risk assessment which is as complete as possible in view of the particular circumstances

of the individual case, which indicate that measures are necessary. In the case at stake, the Court finally observed that, in the light of the overall scheme provided for by *Regulation (EC) No. 1829/2003* and its objective of avoiding artificial disparities, the assessment and management of a serious and obvious risk ultimately come under the sole responsibility of the EU Commission and the EU Council, subject to review by the EU Courts.

Six other EU Member States have banned MON 810 maize by means of emergency measures (*i.e.*, Austria, Bulgaria, Germany, Greece, Hungary and Luxembourg). The preliminary ruling will now go back before the French *Conseil d'État* for consideration. Should the French court ratify the Court of Justice's decision, the French Government, if it wanted to keep the ban on MON 810 in place, would have to introduce new emergency measures. The French Environment Minister has already announced that France will do so. However, further to the additional procedural requirements, under the correct legal basis it is also the substantive conditions that will be more stringent, in particular in relation to the scientific evidence required for a use of the safeguard clause.

Further to this case law, it has to be noted that the EU Commission is proposing changes to the GMO approval system so that EU Member States can '*opt out*' of the cultivation of GMOs in their territory (see Trade Perspectives Issue No. 8 of 21 April 2011). In this context, the European Parliament adopted on 5 July 2011 a *legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Directive 2001/18/EC as regards the possibility for the Member States to restrict or prohibit the cultivation of GMOs in their territory.* The EU Council now has to adopt its first reading position. In a separate ruling on 6 September 2011, the Court of Justice held that honey containing even tiny traces of pollen from GM maize, whether intentional or not, could not be sold in the EU without prior authorisation. This may trigger damages claims by operators whose honey was '*contaminated*' by neighbouring GM fields.

The EU-list of permitted '*generic*' (*i.e.*, '*Article 13*') health claims on food products will be established by the end of 2011

On 28 July 2011, the EU Commission announced that it will present by the end of 2011 a list of permitted health claims on food products for all substances other than the so-called '*botanicals*', after the European Food Safety Authority (EFSA) published a sixth and final set of five opinions covering thirty five generic health claims on food products (also known as '*Article 13 (of Regulation (EC) No. 1924/2006 on nutrition and health claims) claims*').

'*Article 13 claims*' are health claims other than those referring to the reduction of disease risk and to children's development and health, in particular health claims describing or referring to (a) the role of a nutrient or other substance in growth, development and the functions of the body; or (b) psychological and behavioural functions; or (c) slimming or weight-control or a reduction in the sense of hunger or an increase in the sense of satiety or to the reduction of the available energy from the diet. '*Article 13 claims*' may be made without undergoing the specific procedures laid down in Articles 15 to 19 of Regulation (EC) No. 1924/2006, if they are based on generally accepted scientific evidence; and well understood by the average consumer. There has been a lot of controversy during the claim authorisation process in relation to the concept of '*generally accepted scientific evidence*', with EFSA basically requiring a strict cause-effect relation of the nutrient and the claimed effect, while the industry argued that this approach was not clear from the outset.

This publication of the sixth batch of opinions on generic health claims marks the conclusion of EFSA's assessment, which started in October 2009. At the beginning of the process, Member States submitted to the EU Commission, in total, more than 44,000 health claims.

The EU Commission consolidated these into a list of approximately 4,600. The six sets of opinions published by EFSA cover about 2,760 health claims of the approximately 4,600 submitted for scientific advice (1,550 claims on '*botanicals*' have been place on hold by the EU Commission). Within the sixth batch of assessments, EFSA found no scientific evidence for a whole range of health claims on soy isoflavones (rejecting soy isoflavones' ability to reduce menopausal symptoms, lower LDL blood cholesterol levels and act as an antioxidant). However, EFSA concluded that a cause and effect relationship has been established between the consumption of creatine and an increase in physical performance during short-term, high intensity, repeated exercise bouts (in order to obtain the claimed effect, 3g of creatine should be consumed daily). Other three opinions in the final batch basically concluded that monacolin K from red yeast rice can maintain normal blood LDL cholesterol concentrations if 10mg are consumed daily, carbonate or bicarbonate salts of sodium or potassium do not maintain normal bone, and finally that potassium or sodium salts of citric acid do not maintain normal bone.

Once the list of permitted '*Article 13 health claims*' is adopted and fully operational, the assumption is that EU consumers will be assured that all generic health claims on the EU market are substantiated by science and are not misleading, which will help choosing and pursuing a healthier diet. The EU Commission argues that the list's adoption will also facilitate the work of enforcement authorities in ensuring compliance with Regulation (EC) No. 1924/2006 and will guarantee fair competition among operators.

The EU Commission has already started preliminary work with Member States and aims at presenting the final '*Article 13 list*' before the end of 2011. However, a number of issues are still to be clarified by the EU Commission. These have been highlighted in the EU Commission's Working Group meeting on nutrition and health claims on 18 July 2011. This Working Group examines technical issues within the Advisory Group on the Food Chain and Animal and Plant Health, established by EU Commission Decision No. 2004/613/EC, which brings together key stakeholders including farmers, the food industry, retailers and consumer organisations to advise the EU Commission on food safety policy. In relation to the list of '*Article 13 health claims*', the last Working Group meeting saw a discussion on the following outstanding general issues: claims whose wording may not be understood by consumers and which therefore could be misleading; wording and conditions of use for '*maintenance*' claims where the evidence is about '*reduction*' (*i.e.*, similar Article 13.1 and Article 14 claims such as those for plant sterols/stanols and blood cholesterol, beta-glucans and blood cholesterol); calcium claims where the claimed benefit is not directly related to calcium consumption; claims for nutrients where EFSA has commented that there is no evidence of deficiency in the EU; claims for substances considered medicinal in some EU Member States; the target population for claims about reduced post-prandial blood glucose rise; wording of '*replacement*' claims (*e.g.*, sugar replacers for sugars, unsaturated for saturated fats); claims where there may be safety concerns; conditions of use for claims about meal replacement slimming products; claims for which EFSA has not been able to propose conditions of use; reasons for rejecting certain claims (*e.g.*, those that may be outside the scope of Regulation (EC) No. 1924/2006). The Working Group reached no conclusions on these issues and has announced that these points will be discussed again.

Because of the numerous issues of contention and controversies that have arisen during EFSA's assessment of '*Article 13 claims*' (other than botanicals), there is still the possibility that claims which have been rejected or accepted by EFSA will receive a different final judgement in the Regulation when finally adopted by the Commission. EFSA's opinions are not legally binding. The Commission will adopt the EU list of generic health claims in accordance with the regulatory procedure and subject to scrutiny by the European Parliament and the Council. The EU Commission has already started preliminary work with EU Member States and intensive discussions are to be expected before the final '*Article 13 list*' can be presented before the end of 2011.

Recently Adopted EU Legislation

Market Access

- *Commission Implementing Regulation (EU) No. 935/2011 of 20 September 2011 on the issue of import licences for applications submitted in the first seven days of September 2011 under the tariff quota for high-quality beef administered by Regulation (EC) No. 620/2009*

- *Commission Implementing Regulation (EU) No 936/2011 of 20 September 2011 fixing the allocation coefficient for the issuing of import licences applied for from 1 to 7 September 2011 for sugar products under certain tariff quotas and suspending submission of applications for such licences:*

- *Commission Implementing Regulation (EU) No. 928/2011 of 16 September 2011 on the issue of import licences for applications lodged during the first seven days of September 2011 under the tariff quotas opened by Regulation (EC) No. 533/2007 for poultry meat*

- *Commission Implementing Regulation (EU) No. 929/2011 of 16 September 2011 on the issue of import licences for applications lodged during the first seven days of September 2011 under the tariff quota opened by Regulation (EC) No. 1385/2007 for poultry meat*

- *Commission Implementing Regulation (EU) No. 930/2011 of 16 September 2011 on the issue of import licences for applications lodged during the first seven days of September 2011 under the tariff quotas opened by Regulation (EC) No. 539/2007 for certain products in the egg sector and for egg albumin*

Trade Remedies

- *Council Implementing Regulation (EU) No. 917/2011 of 12 September 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*

- *Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of chamois leather originating in the People's Republic of China*

Food and Agricultural Law

- *Commission Implementing Regulation (EU) No. 948/2011 of 22 September 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 Implementing Regulation (EU) No. 945/2011 of 22 September 2011 fixing the export refunds on beef and veal*

- *Commission Implementing Regulation (EU) No. 946/2011 of 22 September 2011 fixing the export refunds on poultry meat*

- *Commission Implementing Regulation (EU) No. 947/2011 of 22 September 2011 fixing representative prices in the poultry meat and egg sectors and for egg albumin, and amending Regulation (EC) No. 1484/95*

- *Commission Implementing Regulation (EU) No. 931/2011 of 19 September 2011 on the traceability requirements set by Regulation (EC) No. 178/2002 of the European Parliament and of the Council for food of animal origin*

- *Commission Implementing Regulation (EU) No. 933/2011 of 19 September 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 Implementing Regulation (EU) No. 926/2011 of 12 September 2011 for the purposes of Council Decision 2009/470/EC as regards Union financial aid to the EU reference laboratories for feed and food and the animal health sector*

- *Commission Implementing Decision of 16 September 2011 repealing Implementing Decision 2011/508/EU concerning certain protection measures relating to classical swine fever in Lithuania (notified under document C(2011) 6443)*

- *Commission Implementing Regulation (EU) No. 921/2011 of 14 September 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 Implementing Regulation (EU) No. 923/2011 of 15 September 2011 fixing the import duties in the cereals sector applicable from 16 September 2011*

- *Commission Implementing Regulation (EU) No. 921/2011 of 14 September 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 Implementing Regulation (EU) No. 914/2011 of 13 September 2011 amending Regulation (EU) No. 605/2010 laying down animal and public health and veterinary certification conditions for the introduction into the European Union of raw milk and dairy products intended for human consumption*

- *Commission Implementing Regulation (EU) No. 916/2011 of 13 September 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 Implementing Regulation (EU) No. 913/2011 of 12 September 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 Implementing Regulation (EU) No. 911/2011 of 9 September 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*

Trade-Related Intellectual Property Rights

- *Council Decision of 12 July 2011 on the signing, on behalf of the Union, of the Agreement between the European Union and Georgia on protection of geographical indications of agricultural products and foodstuffs*

- *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 (Czech "Chelčicko-Lhenické ovoce" fruit)*

Other

- *Commission Decision of 18 August 2011 on amending Decision 2007/589/EC as regards the inclusion of monitoring and reporting guidelines for greenhouse gas emissions from new activities and gases (notified under document C(2011) 5861)*

- *The Protocol on Integrated Coastal Zone Management in the Mediterranean to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, signed in Madrid on 16 January 2009, has entered into force*

- *Information on the date of signature of the Protocol setting out the fishing opportunities and financial contribution provided for in the Partnership Agreement in the fisheries sector between the European Union and the Republic of Cape Verde*

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